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2859	3488		Certificate of non-availability of telegrams exchanged in 1943 between Vice-Admiral NOMURA or Naval Attache YOKOI and the Navy Ministry and the Navy General Staff		33693
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Friday, 21 November 1947

INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE SIR WILLIAM F.  
WEBB, Member from the Commonwealth of Australia and  
HONORABLE JUSTICE R. B. PAL, Member from India, not  
sitting from 0930 to 1600; HONORABLE JUSTICE LORD  
PATRICK, Member from the United Kingdom of Great  
Britain, not sitting from 1330 to 1500; HONORABLE  
JUSTICE E. H. NORTHCROFT, Member from the Dominion  
of New Zealand, not sitting from 1445 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTPE.)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All the accused are present  
4 except MATSUI, who is represented by counsel. We have  
5 a certificate from the prison surgeon at Sugamo certi-  
6 fying that he is ill and unable to attend the trial  
7 today. The certificate will be recorded and filed.

8 Mr. Comyns Carr.

9 MR. COMYNS CARR: May it please the Tribunal,  
10 yesterday the Tribunal will remember that my friend  
11 Mr. Brooks insisted on that part of my cross-  
12 examination of Baron SHIDEHARA being read which was  
13 based upon what turned out to be an incorrect transla-  
14 tion of exhibit 286. We now have that exhibit in its  
15 corrected form, and I would like to know whether the  
16 Tribunal would consider it convenient that it should  
17 be read in that form while the matter is fresh in  
18 their minds.

19 MR. BROOKS: If the Tribunal please, the  
20 exhibit that learned counsel is talking about, 286,  
21 has already been read and spread upon the record at  
22 page 4,354 of the record of the proceedings, and the  
23 correction that was to be made was to be by the Lan-  
24 guage Section to correct the record for those errors  
25 that do show. Reading the exhibit in a corrected



1 form at this time would still not correct those errors  
2 where it has once before been read.

3 As to the cross-examination of Baron SHIDEHARA,  
4 since Baron SHIDEHARA could read the original Japanese,  
5 which he had in his hand, he was not being cross-  
6 examined on a false or mistranslated document, and  
7 since it was cross-examination by the prosecution at  
8 that time, and as Baron SHIDEHARA did explain two or  
9 three of the corrections that have been made by the  
10 Language Section, I wanted it to appear in the record.  
11 And the reason that I insisted that it be read was  
12 called up by the prosecution's insisting that they  
13 would like to keep it out.

14 ACTING PRESIDENT: I understand, contrary  
15 to what we thought yesterday, that those corrections  
16 have already been made by the Language Section and  
17 have been read into the record. Is that true?

18 MR. BROOKS: That is in error, your Honor.  
19 The Language Section are preparing -- and I understand  
20 that the Captain is working on it right now. He thought  
21 he would have it ready for this morning, but he hasn't.

22 MR. COMYNS CARR: Your Honor, the corrections  
23 have been handed in by the Language Section piecemeal,  
24 that is to say, each correction separately. But the  
25 exhibit in its final form has never been read.

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23 have been handed in by the Language Section piecemeal,  
24 that is to say, each correction separately. But the  
25 exhibit in its final form has never been read.

1           ACTING PRESIDENT: What were the language  
2 corrections read by Captain Kraft the other day?

3           MR. COMYNS CARR: Those were simply the cor-  
4 rections separately of each piece that they thought it  
5 necessary to correct.

6           ACTING PRESIDENT: Then the record has been  
7 changed to accord with the proper translation, hasn't  
8 it?

9           MR. COMYNS CARR: I understand not yet. Each  
10 person, each Member of the Tribunal as the thing stands  
11 at present would have to do it himself by reading in  
12 those corrections into the incorrect form of the docu-  
13 ment. When the corrected form of record page 4,354  
14 is circulated, then there will be a complete, correct  
15 version of the exhibit. And if the Members of the Tri-  
16 bunal prefer to look at that for themselves rather  
17 than have it read now, that is quite enough for my pur-  
18 pose.

19           ACTING PRESIDENT: That is what happens with  
20 every correction. That is the usual way.

21           MR. COMYNS CARR: Yes, if your Honor please.

22           ACTING PRESIDENT: We see no necessity for  
23 reading the affidavit now.

24           MR. COMYNS CARR: I would only ask that that  
25 be done, that the Members of the Tribunal should read

1 it in connection with the cross-examination of Baron  
2 SHIDEHARA of yesterday.

3 ACTING PRESIDENT: Mr. Cole, I understand you  
4 now wish to read the affidavit of the witness ISHII,  
5 being part of the evidence produced by the defendant  
6 MUTO?

7 MR. COLE: Yes, sir.

8 ISHII served in the Military Affairs Bureau  
9 under this accused--

10 ACTING PRESIDENT: Wait just a minute. We  
11 have no copies of it and I do not think it has been  
12 introduced in evidence, has it?

13 MR. COLE: (Continuing) Under this accused--

14 ACTING PRESIDENT: Mr. Cole, you have not  
15 introduced this in evidence yet, as I understand it.

16 MR. COLE: No, sir. I am merely giving a sen-  
17 tence or two before presenting it -- offering it.

18 ACTING PRESIDENT: Oh, I beg your pardon.

19 MR. COLE: ISHII served in the Military Affairs  
20 Bureau under this accused and relates from his personal  
21 knowledge General MUTO's actions and efforts in sev-  
22 eral matters of importance.

23 MR. TAVENNER: If it please the Tribunal--

24 ACTING PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: Objection is made to the comments



1 that are in the process of being made on the ground  
2 that they should be reserved for summation of the  
3 trial -- summation, argument. The affidavit speaks  
4 for itself, and we think it is improper at this stage  
5 to comment upon its weight or any other matter in  
6 regard to it.

7 MR. COLE: May it please the Tribunal, this  
8 is merely the prepared running commentary which I  
9 used in every instance where there was not a witness  
10 present in court.

11 ACTING PRESIDENT: It has been customary for  
12 some of the counsel at least to make comment upon the  
13 evidence that they are about to produce and show its  
14 connection to the prosecution's evidence. But that  
15 comment should be short and should not cover anything  
16 that is covered by the affidavit. It is so ruled.

17 MR. COLE: I have only half a sentence left,  
18 sir.

19 These matters included attempted settlement  
20 of the China Incident, the Tripartite Pact, and the  
21 Japanese-American negotiations.

22 I offer now in evidence defense document  
23 2786, the sworn deposition of ISHII, Akiho.

24 ACTING PRESIDENT: It will be received in  
25 evidence.

1 CLERK OF THE COURT: Defense document No.  
2 2786 will receive exhibit No. 3480.

3 (Whereupon, the document above re-  
4 ferred to was marked defense exhibit No. 3480  
5 and received in evidence.)  
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1 MR. COLE: I should like to point out a  
2 previously undetected error on page 3 of the English  
3 version, second paragraph, second line, the word  
4 "Pacific" should read "Atlantic".

5 May I say further that documents referred to  
6 in this deposition are covered by our first item in  
7 defense document 2860. I am sorry I do not have the  
8 exhibit number at hand.

9 Omitting the formal portions:

10 "I was a Lt. Colonel and Senior staff member of  
11 the Military Affairs Section when MUTO, Akira was the  
12 Chief of the Military Affairs Bureau. I took charge  
13 mainly of the business of diplomatic problems as they  
14 affected the War Ministry. I know very well MUTO's  
15 views on international problems and am well aware of  
16 his difficult position as the Chief of the Military  
17 Affairs Bureau. MUTO felt that early settlement of  
18 the China Incident was the first requisite and always  
19 advocated maintaining peaceful cooperation with other  
20 countries. Three times at least I heard him oppose  
21 aggressive policies.  
22

23 "In the autumn of 1939, immediately after his  
24 arrival at his post as Chief of the Military Affairs  
25 Bureau, he ordered me to study a draft of a practical  
plan of opening of the Yangtze Kiang and Chu-Kiang

1 Rivers in order to comply with American wishes. This  
2 was a matter of discussion at that time. As I held the  
3 concurrent post as secretary in the China Affairs Board,  
4 I sat in conference several times with those concerned  
5 and studied plans. The Chu-kiang River was opened by  
6 the consent of parties concerned, but various difficulties  
7 were encountered with regard to the opening of the  
8 Yangtze, which remained closed to the last. During this  
9 time I was urged at least two times by MUTO to make  
10 further efforts on this matter.

11 "MUTO never insisted personally on our partici-  
12 pation in the Triple Alliance among Japan, Germany and  
13 Italy. Foreign Minister MATSUOKA had the whole field to  
14 himself in the conclusion of the Triple Alliance. I read  
15 the text of the treaty for the first time after its con-  
16 clusion. None but those specially concerned even among  
17 the officials of the Foreign Ministry had participated  
18 in that negotiation. About the middle of April 1941,  
19 when a report was made from Ambassador NOMURA on the  
20 draft of an understanding between Japan and America,  
21 MUTO was very much pleased and said, 'Hereby has Japan  
22 been saved!'

23  
24 "On a certain day in May 1941, a telegram was  
25 received from a military attache to the Japanese  
Embassy at Berlin to the effect that he was against the



1 negotiations between Japan and the United States of  
2 America, so long as they were dependent upon the  
3 secession from the Tri-Partite Alliance. MUTO ordered  
4 me to send a telegram of reproof. I made out a draft  
5 which stated, 'Anyone who holds a post abroad must act  
6 according to the government's policy. The negotiations  
7 with U.S.A. are proceeding well, based upon policies of  
8 the government and the Supreme Command. Don't complain  
9 of it.' When this draft of the telegram was finally  
10 brought to TOJO through the Director of the Military  
11 Affairs Bureau and the Vice-Minister, TOJO revised it  
12 in person into a more severe one to admonish the  
13 attache strictly.

14 "In the spring of 1941, America considered the  
15 western half of the Atlantic as safe waters and was carry  
16 ing on operations of helping England, and appeared to  
17 show keen interest in the Japanese-American negotiations.  
18 But at the beginning of May reliable information was  
19 received to the effect that America would, in the end,  
20 enter the European War, upon which the War Minister put  
21 a question up to the Military Affairs Bureau as to what  
22 should be done in case America should participate in the  
23 war. We made answer to the effect that in such case we  
24 should try not to let the war spread to the Pacific in  
25 conformity with the fundamental principles of the

1 Tri-Partite Pact, regardless of Article III of that Pact.

2 "MUTO said, 'I am also of the same opinion,'  
3 and reported it to War Minister TOJO and Vice-Minister  
4 KIMURA. I was told by MUTO that both TOJO and KIMURA  
5 were of the same opinion as he.

6 "At the beginning of June in 1941, when the  
7 expectation for the outbreak of the war between Germany  
8 and Soviet Union was brought to our knowledge, MUTO  
9 submitted a question to us as to how we estimated the  
10 progress of the war between Germany and the Soviet Union,  
11 supposing that it really broke out. After a few days'  
12 careful consideration, I gave as my judgment that  
13 although the German Army would maintain superiority  
14 during the earlier period of the war, it would ultimately  
15 end the same as the China Incident. Different opinions  
16 against this judgment of mine were propounded, but MUTO  
17 said to me, 'I am of the same opinion as you. In case  
18 of war, Japan should fall back upon the Japan-Soviet  
19 Neutrality Pact and remain indifferent.' About the  
20 middle of June in 1941, MUTO was bewildered with the  
21 real intention of Y. MATSUOKA, Foreign Minister, who  
22 advocated an aggressive policy against the Soviet Union  
23 at one time and proposed Japan's advance towards the  
24 south at another. About that time MUTO was taken ill,  
25 and so he did not attend the Liaison Conference at the

1 end of June and the Council in the presence of the  
2 Emperor on July 2nd.

3 "Directly after the Council in the presence  
4 of the Emperor on September 6th, 1941, MUTO returned  
5 to the War Ministry and reported the proceeding of the  
6 Council to the Chief of Military Affairs Section, the  
7 Chief of Military Administration Section, and the senior  
8 members of both these sections as follows:

9 "The phrase, "For the sake of self-existence  
10 and self-defense" that appears in Article I means, as  
11 it is literally expressed, "in order to live;" that is,  
12 before our assets were frozen, to be prepared as a self-  
13 sufficient state on a planned basis in spite of the  
14 increase of economic pressure by the United States of  
15 America and Great Britain, especially the abrogation of  
16 Japanese-American Treaty of Commerce and Navigation.  
17 It, however, has a more urgent and critical meaning  
18 today. Secondly, the phrase "try every diplomatic  
19 means" that appears in Article II means that every  
20 possible means of diplomacy in our power should be tried,  
21 and this Article II ought to precede Article I from  
22 the point of real necessity although it follows the first  
23 as a matter of literary composition.' Then he added as  
24 follows: 'We must try to succeed in diplomatic  
25 negotiations no matter at what cost.'

1 "Japan conceded step by step in order to  
2 obtain the United States of America's consent during the  
3 period from first to the latter part of September,  
4 and at last an imploring proposal was made to realize  
5 the KONOE-Roosevelt conference as soon as possible. As  
6 for the duty under the Three Power Alliance Treaty, it  
7 was suggested that we could not commit ourselves in  
8 writing but expected to arrive at an understanding by  
9 meeting and conferring. MUTO, togetherwith OKA, Chief  
10 of Naval Affairs Bureau, cooperated with the Foreign  
11 Ministry most enthusiastically in the making of these  
12 supplicating overtures.

13 "As for the withdrawal of the Japanese troops  
14 from China, which was a difficult point in the negoti-  
15 ations between Japan and America, it was settled at a  
16 council in the presence of the Emperor on September 6th  
17 to withdraw the Japanese troops from China in accordance  
18 with a new agreement settled between Japan and China.  
19 There was considerable discussion as to whether this  
20 meant to make a new agreement or to follow the provisions  
21 of the Sino-Japanese basic treaties concluded on  
22 November 30, 1940. MUTO read this to mean an agreement  
23 to be newly concluded after further negotiations, and  
24 tried to wire to that effect to America in cooperation  
25 with the Foreign Ministry. The General Staff made a



strong protest against this interpretation. On this occasion MUTO refuted it vehemently by saying in a loud voice, 'I detest the war.'

"From the above-mentioned incidents, I clearly recall that he made strenuous efforts, as the Chief of Military Affairs Bureau, to avert war between Japan and America. Informed that he was scheduled to be a member of Prince KONOE's suite at the time of the KONOE-Roosevelt talks, he was making preparations for it. At the end of September it was telegraphed from Washington that Japanese-American negotiations were not likely to succeed. MUTO said to us, 'This is critical! War should be averted at all costs because it endangers the State.' On or about October 20, 1941, that is to say, immediately after the formation of the TOJO Cabinet, TOJO, Premier and War Minister, asked for MUTO's opinion. MUTO replied, 'The people are tired of the Chinese Incident. Therefore, if you, as the premier, succeed in the Japanese-American negotiations and can settle the Chinese Incident the nation will be heartily grateful to you. You should do everything in your power as a leader of the new cabinet to accomplish Japanese diplomatic negotiations.' TOJO wholeheartedly assented to his views.

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1 "It remains still vividly in my memory that the  
2 Plans A and B for the negotiations with the United  
3 States of America were discussed in the Liaison Confer-  
4 ence in the middle of the night of about November 1,  
5 1941. The said Plan B was introduced in that confer-  
6 ence fresh from the portfolio of Foreign Minister TOGO  
7 without being exhibited before-hand to the Supreme  
8 Command of the Army and Navy. So there was a heated  
9 discussion between Chief of the General Staff SUGIYAMA  
10 and Foreign Minister TOGO and the situation was said  
11 to have become very serious. Therefore MUTO, who  
12 acted as a mere secretary to the Liaison Conference  
13 and had no vote in it, met Chief of the General Staff  
14 SUGIYAMA in the corridor during a recess and told him,  
15 unofficially, saying, 'It may be unreasonable for the  
16 Chief of the General Staff to raise a flat objection  
17 to any plan drafted by the Foreign Minister and to  
18 prevent him from taking possible diplomatic means.'  
19 Then, when the conference was resumed, Chief SUGIYAMA  
20 agreed to Plan B and thus the plan was decided on.

21 "The above was what MUTO told me firsthand on  
22 the next day at the room of the Director of the Military  
23 Affairs Bureau. He, his staff, as well as the General  
24 Staff authorities, were all anxious about whether or not  
25 this Plan B could insure the national defense of Japan.

1 However, MUTO said, 'I told the Chief of the General  
2 Staff what I believed to be the best. In case this  
3 should bring bad results to our nation, I know what  
4 I ought to do.' I know through the talks with those  
5 of various circles that most of the readers of this  
6 national policy expected the United States of America  
7 to be likely to take a compromising attitude toward  
8 Plan B. For instance, when MUTO asked us, his staff,  
9 how America would deal with Plan B, I said, 'To such a  
10 plan, America will be sure to agree,' in reply to which,  
11 no objection was made by those present.

12 "The leading circles of Japan, including the  
13 Army, detested war in general, though some irresponsible  
14 men maintained their positive opinion. As a result, I,  
15 one of MUTO's staff, not to speak of him, was criticized  
16 as being weak-kneed. MUTO told us, his staff, 'War  
17 Minister TOJO is desirous of success in the negotiations  
18 between Japan and America.' I often took the documents  
19 concerned to War Minister TOJO, when he was intent on  
20 studying the Japanese-American negotiations.

21 "I left for Saigon early on the morning of  
22 November 27, 1941 (Japanese time). Toward the evening  
23 of the previous day, namely, November 26, I reported my  
24 departure to MUTO, when he said, 'The question of war or  
25 peace is not yet decided on. I ask you to struggle hard



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18 between Japan and America.' I often took the documents  
19 concerned to War Minister TOJO, when he was intent on  
20 studying the Japanese-American negotiations.

21 "I left for Saigon early on the morning of  
22 November 27, 1941 (Japanese time). Toward the evening  
23 of the previous day, namely, November 26, I reported my  
24 departure to MUTO, when he said, 'The question of war or  
25 peace is not yet decided on. I ask you to struggle hard

1 if war comes, otherwise we may soon meet again.' I visited  
2 on that day both the Ministries of Navy and Foreign Affairs  
3 to report my departure. Those whom I saw there were still  
4 expecting success in the Japanese-American negotiations,  
5 impatient for a favorable reply from America."

6 Document 2860, which I referred to earlier, is  
7 exhibit 3466.

8 May it please the Tribunal, this concludes the  
9 evidence on behalf of the accused MUTO.

10 ACTING PRESIDENT: Have you something, Captain  
11 Kraft?

12 LANGUAGE ARBITER (Captain Kraft): Yes. If the  
13 Tribunal please, the following language corrections are  
14 submitted:

15 Referring to exhibit No. 286, record pages  
16 4356 to 4358:

17 Record page 4356, line 17, delete "autonomic"  
18 and substitute "self-governing."

19 ACTING PRESIDENT: Let me interrupt.

20 LANGUAGE ARBITER (Captain Kraft): Yes, sir.

21 ACTING PRESIDENT: Are not these the corrections  
22 that were made the other day?

23 LANGUAGE ARBITER (CAPTAIN KRAFT:) Yes, sir, with  
24 the exception that the record pages were not included  
25 in those corrections that were made the other

1 day.

2 MR. BROOKS: If the Tribunal please,  
3 to save time, couldn't they be copied into the record,  
4 both of them? The others were not, the other day. They  
5 were ordered to be but they were not. I think it would  
6 save time if those could be copied into the record.

7 ACTING PRESIDENT: They may be copied into the  
8 record. See that the court reporter has a copy and  
9 that they are included in the record.

10 (The following are the language  
11 corrections above mentioned:)

12 Record page 4356, line 17, delete "autonomic"  
13 and substitute "self-governing."

14 Record page 4356, line 19, delete "controller"  
15 and substitute "controlling leader."

16 Record page 4357, line 18, delete "construction"  
17 and substitute "constructive."

18 Record page 4357, lines 18, 19, delete "in that  
19 locality later with pacification" and substitute "on the  
20 spot following the quieting down of."

21 Record page 4357, line 23, delete "Chinese  
22 Nationality" and substitute "the Han race."

23 Record page 4358, lines 1-5, delete "where this  
24 action would be taken as anti-revolutionary and an anti-  
25 democratic stratagem is beyond our imagination" and

1 substitute ", under such slogans as anti-revolutionary  
2 and as anti-democratic stratagem, is more than can be  
3 imagined."

4 Also, delete "Moreover, it would make it quite  
5 impossible for us to reach an understanding with China  
6 forever in the future" and substitute "In which event,  
7 it would create a situation likely to make it impossible,  
8 ever in the future, to reach an understanding between  
9 Japan and China."

10 Record page 4358, lines 7-8, delete "quite  
11 erroneous of time" and substitute "which can not be  
12 termed in any way other than completely anachronistic."

13 Record page 4358, lines 11-12, delete "According  
14 to telegram No. 1016 addressed to me, Liu-Huan-Yeh at  
15 present is" and substitute "Also, Liu-Huan-Yeh referred  
16 to in telegram No. 1016 dispatched from Mukden and  
17 addressed to this Minister, is at present."

18 Record page 4358, line 14, delete "Even" and  
19 substitute "Actually."

20 Record page 4358, line 17, delete "erroneous of  
21 time" and substitute "anachronistic."

22 Record page 4358, line 23, insert "really"  
23 between "be" and "prudent."

24 ACTING PRESIDENT: Mr. Cunningham.

25 MR. CUNNINGHAM: If the Tribunal please, in view



1 substitute ", under such slogans as anti-revolutionary  
2 and as anti-democratic stratagem, is more than can be  
3 imagined."

4 Also, delete "Moreover, it would make it quite  
5 impossible for us to reach an understanding with China  
6 forever in the future" and substitute "In which event,  
7 it would create a situation likely to make it impossible,  
8 ever in the future, to reach an understanding between  
9 Japan and China."

10 Record page 4358, lines 7-8, delete "quite  
11 erroneous of time" and substitute "which can not be  
12 termed in any way other than completely anachronistic."

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14 to telegram No. 1016 addressed to me, Liu-Huan-Yeh at  
15 present is" and substitute "Also, Liu-Huan-Yeh referred  
16 to in telegram No. 1016 dispatched from Mukden and  
17 addressed to this Minister, is at present."

18 Record page 4358, line 14, delete "Even" and  
19 substitute "Actually."

20 Record page 4358, line 17, delete "erroneous of  
21 time" and substitute "anachronistic."

22 Record page 4358, line 23, insert "really"  
23 between "be" and "prudent."

24 ACTING PRESIDENT: Mr. Cunningham.

25 MR. CUNNINGHAM: If the Tribunal please, in view

1 of the fact that our witnesses and documents will be  
2 presented in four categories we will dispense with  
3 the opening statement and use the time and occasion  
4 for the explanation of each document and in explanation  
5 of the purpose of the testimony of each witness. Our  
6 theory of the case will be emphasized at different stages  
7 of the presentation of our defense.

8 For the purpose of showing that the telegraphic  
9 messages concerning the Anti-Comintern Pact exchanged  
10 between Tokyo and Berlin are not available, we now offer  
11 defense document No. 2788 as certificate of non-availability.

12 ACTING PRESIDENT: It will be admitted.

13 CLERK OF THE COURT: Defense document 2788 will  
14 receive exhibit No. 3481.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit  
17 No. 3481 and received in evidence.)

18 MR. CUNNINGHAM: The short documents of the certi-  
19 fication I will not read.

20  
21 At this time we present certificate of the Japan-  
22 ese Foreign Office for the purpose of showing that docu-  
23 ments covering the negotiations over the strengthening  
24 of the Anti-Comintern Pact are not available in the  
25 Japanese Foreign Office. Defense document No. 2794  
is offered in evidence.

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2 presented in four categories we will dispense with  
3 the opening statement and use the time and occasion  
4 for the explanation of each document and in explanation  
5 of the purpose of the testimony of each witness. Our  
6 theory of the case will be emphasized at different stages  
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16 referred to was marked defense exhibit  
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21 ese Foreign Office for the purpose of showing that docu-  
22 ments covering the negotiations over the strengthening  
23 of the Anti-Comintern Pact are not available in the  
24 Japanese Foreign Office. Defense document No. 2794  
25 is offered in evidence.

1           ACTING PRESIDENT: It will be admitted.

2           CLERK OF THE COURT: Defense document 2794 will  
3 receive exhibit No. 3482.

4                   (Whereupon, the document above  
5 referred to was marked defense exhibit  
6 No. 3482 and received in evidence.)

7           MR. CUNNINGHAM: We now offer defense document  
8 No. 2789 to show that the telegraphic messages concerning  
9 the Tri-Partite Pact negotiations are not available in  
10 the Office of the Minister of Foreign Affairs of Japan,  
11 and are not available for presentation as evidence. We  
12 offer defense document 2789.

13           ACTING PRESIDENT: It will be admitted.

14           CLERK OF THE COURT: Defense document 2789 will  
15 receive exhibit No. 3483.

16                   (Whereupon, the document above  
17 referred to was marked defense exhibit  
18 No. 3483 and received in evidence.)

19           MR. CUNNINGHAM: We present certificate of  
20 HAYASHI, Kaoru, the Chief of the Archives Section of  
21 Japanese Foreign Office, to show that the documentary  
22 evidence of the instructions concerning the negotiations  
23 for the strengthening of the Anti-Comintern Pact brought  
24 by Special Commissioner ITO are not in custody. We wish  
25 to emphasize here that it is customary for an Embassy



1 staff to destroy all documents and papers upon opening  
2 of hostilities. We offer defense document 2824 in  
3 evidence.

4 ACTING PRESIDENT: It will be admitted.

5 CLERK OF THE COURT: Defense document 2824 will  
6 receive exhibit No. 3484.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3484 and received in evidence.)

10 MR. CUNNINGHAM: We now offer defense document  
11 2863, which is a certificate, and will read the document.

12 ACTING PRESIDENT: It will be admitted.

13 CLERK OF THE COURT: Defense document 2863 will  
14 receive exhibit No. 3485.

15 (Whereupon, the document above  
16 referred to was marked defense exhibit  
17 No. 3485 and received in evidence.)

18 MR. CUNNINGHAM: I now read defense document  
19 2863, exhibit No. 3485.

20 ACTING PRESIDENT: It doesn't seem to be on your  
21 order of proof here.

22 MR. CUNNINGHAM: That is on the supplemental  
23 order of proof that was distributed. It follows No. 4  
24 on the list.  
25

(Reading:) "I, HAYASHI, Kaoru, who occupy the

1 post of chief of the Archives Section, Foreign Office,  
2 certify that the following official documents are not in  
3 the custody of Foreign Office at present:

4 "1. Government instructions delivered by  
5 Mr. ITO, Kitsushi to Ambassador OSHIMA in Berlin in  
6 1939 on the negotiations of the Japanese-Germany-Italy  
7 Treaty.

8 "2. Telegram sent by Ambassador OSHIMA to  
9 Foreign Minister concerning the former's resignation  
10 toward August 20, 1939.

11 "3. Telegram sent by Foreign Office to  
12 Ambassador OSHIMA regarding Japanese refusal of partici-  
13 pation in the Soviet-German War in 1943."

14 I now offer in evidence defense document 2543,  
15 which is the certificate of the Chief of the Document  
16 Section of the First Demobilization Office, showing  
17 that the telegrams concerning the conclusion of the  
18 agreement between Japan and Germany during 1935 are not  
19 available.

20 ACTING PRESIDENT: It is admitted.

21 CLERK OF THE COURT: Defense document 2543 will  
22 receive exhibit No. 3486.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit No.  
25 3486 and received in evidence.)

1 MR. CUNNINGHAM: I offer to read the second  
2 part of the certificate in quotes:

3 "All the telegrams concerning the conclusion  
4 of the agreement between Japan and Germany, from Military  
5 Attache OSHIMA, Hiroshi at Berlin in 1935 to the General  
6 Staff Headquarters."

7 Defense document 2856-A is the certificate of  
8 MIYAMA, Yozo and is offered for the purpose of showing  
9 the non-availability of the telegrams notifying  
10 Ambassador OSHIMA of the non-aggravation policy towards  
11 China and ordering him to negotiate with the German  
12 Military authorities to settle the incident, if possible.  
13 Also the lack of availability of telegrams concerning the  
14 appointment of Ambassador OSHIMA.

15 ACTING PRESIDENT: It will be admitted.

16 CLERK OF THE COURT: Defense document 2856-A will  
17 receive exhibit No. 3487.

18 (Whereupon, the document above referred  
19 to was marked defense exhibit No. 3487 and re-  
20 ceived in evidence.)

21 MR. CUNNINGHAM: The explanation covers the  
22 contents of the document and therefore will not be read.  
23  
24  
25

1 Defense document 2856-B is offered for the  
2 purpose of showing that the documentary proof of the  
3 instructions from the Chief of the Army General Staff  
4 of the Military Attache at Berlin are not available;  
5 and that the telegrams from the Military Attache in Ber-  
6 lin concerning the negotiations are not available; and  
7 that the telegrams from War Minister ITAGAKI to KAWABE,  
8 Military Attache, are not available.

9 ACTING PRESIDENT: Admitted.

10 CLERK OF THE COURT: Defense document 2856-B  
11 will receive exhibit No. 3487-A.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 3487-A and received in evidence.)

15 MR. CUNNINGHAM: We now offer defense docu-  
16 ment 2856-C. I offer to read the document.

17 ACTING PRESIDENT: It will be admitted.

18 CLERK OF THE COURT: Defense document No. 2856-C  
19 will receive exhibit No. 3487-B.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3487-B and received in evidence.)

23 MR. CUNNINGHAM: I offer to read this 1 and 2  
24 of the document, skipping the formal parts:  
25

"1. The document containing the German



1 propositions concerning the treaty between Japan, Germany  
2 and Italy, which Major General KASAHARA brought from  
3 Berlin in August, 1938.

4 "2. The telegram from the War Ministry or the  
5 General Staff Office to OSHIMA, Military Attache,  
6 concerning the same subject, dated the same month,  
7 same year."

8 We now offer defense document 2859 for the  
9 purpose of showing the telegrams exchanged in 1943  
10 between Vice-Admiral NOMURA or Naval Attache YOKOI,  
11 then both in Berlin, and the Navy Ministry and the  
12 Navy General Staff, are not available; and I offer to  
13 read the document.

14 ACTING PRESIDENT: It will be admitted.

15 CLERK OF THE COURT: Defense document  
16 No. 2859 will receive exhibit No. 3488.

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 3488 and received in evidence.)

20 MR. CUNNINGHAM: (Reading) "1. I, YOSHII,  
21 Michinori, occupy the post of the Chief of the Archives  
22 Section of the Second Demobilization Bureau and the  
23 documents of the Second Demobilization Bureau are in my  
24 custody.  
25

"2. In the Second Demobilization Bureau, the

1 organ for handling the left-over business of the former  
2 Navy Ministry, there does not exist any longer neither  
3 the originals nor duplicates nor copies of the telegrams  
4 exchanged in 1943 between Vice-Admiral NOMURA or Naval  
5 Attache YOKOI, then both at Berlin, and the Navy Minis-  
6 try and the Navy General Staff concerning the transfer  
7 of two U-boats from Germany.

8 "3. Of the duplicates of the above telegrams  
9 from Tokyo and the originals of the telegrams from  
10 Berlin, those pertaining to the Navy Ministry were kept  
11 in the custody of the Naval Affairs Bureau of the Navy  
12 Ministry or the Navy Minister's Secretariat, and those  
13 pertaining to the Navy General Staff in the custody  
14 of the Second Section of the General Staff. All copies  
15 of telegrams were usually kept in the custody of the  
16 Telegraph Section of the Navy Ministry for one year.

17 "4. Owing to the air raid made by the American  
18 forces from midnight of May 25, 1945, till the dawn  
19 of the following day, the 26th, most of the Navy  
20 Ministry was destroyed. The office rooms of the Navy  
21 Minister's Secretariat, the various sections of the  
22 Naval Affairs Bureau, the Second Section of the General  
23 Staff, and the Telegraph Section were all reduced to  
24 ashes with most of the documents then in their custody  
25 being burned.

1 "It is recognized that the originals, dupli-  
2 cates, and copies of the above telegrams were all lost  
3 in the fire.

4 "5. As to the originals and duplicates of  
5 the above telegrams in the custody of the Japanese  
6 Embassy at Berlin, inquiries were made among ex-Admiral  
7 NOMURA and all the other personnel repatriated from  
8 Germany, and it has been ascertained that all of these  
9 documents were burned before the surrender of Germany  
10 and no one now has any copies."

11 We now offer the affidavit of deponent MAKATA,  
12 for the purpose of showing that the secret documents  
13 were destroyed by fire by order of the Japanese Govern-  
14 ment and are not available. We wish to point out  
15 here that it is customary for the Embassy to destroy  
16 documents.

17 It is agreed that the witness will not have to  
18 be here.

19 I offer defense document 2842.

20 ACTING PRESIDENT: Admitted in evidence.

21 CLERK OF THE COURT: Defense document  
22 No. 2842 will receive exhibit No. 3489.

23 (Whereupon, the document above  
24 referred to was marked defense exhibit  
25 No. 3489 and received in evidence.)

MR. CUNNINGHAM: Skipping the formal parts:

"I, MAKATA, Hidehiko, reside at No. 423, 2-chome Nishida-machi, Suginami-ku, Tokyo, and work at present at the Business Sec. Buildings & Equipment Branch, Central Affairs Bureau of the Postwar Liaison Office.

"1. From September, 1941, to May, 1945, I served in the Japanese Embassy in Germany in the capacity of a foreign affairs commissioner, and, as chief of Telegraph Section, was charged with the custody of secret documents.

"2. Air raids on Berlin became intensified from about November 1943 so that by the order of my superiors I destroyed from time to time our important documents and telegrams by fire.

"When Berlin faced a catastrophe toward the end of April 1945, all our secret documents left were also consigned to fire."

Signed, "On this 5th day of November, 1947,  
MAKATA."

We now offer the affidavit of deponent NISHI, for the purpose of showing that the secret documents of the Japanese Military Attache in Berlin were all destroyed and are not available.

ACTING PRESIDENT: Admitted in evidence.

CLERK OF THE COURT: Defense document No. 2864



will receive exhibit No. 3490.

(Whereupon, the document above referred to was marked defense exhibit No. 3490 and received in evidence.)

MR. CUNNINGHAM: Skipping the formal parts, and starting at paragraph 2:

"2. During the period from January 1941 until Germany collapsed in May 1945, I was stationed in Berlin as an Assistant Military Attache to the Japanese Embassy there, and was in charge of all the secret documents including telegrams to the Military Attache.

"3. Since November 1943 when air raids over Berlin were intensified, I destroyed by fire secret documents several times by order of Military Attache KOMITSU. And when we left Berlin in April 1945, I destroyed by burning every confidential document.

"4. Consequently the following documents which were kept in the chamber of Military Attache in Berlin do not exist at present.

"(1) Telegram sent in 1935 from Military Attache OSHIMA to the Japanese Army General Staff concerning the German-Japanese Agreement.

"(2) Various instructions issued from 1937 to January 1939 by the Chief of the General Staff to the Military Attache in Berlin, concerning intelligence

will receive exhibit No. 3490.

(Whereupon, the document above referred to was marked defense exhibit No. 3490 and received in evidence.)

MR. CUNNINGHAM: Skipping the formal parts, and starting at paragraph 2:

"2. During the period from January 1941 until Germany collapsed in May 1945, I was stationed in Berlin as an Assistant Military Attache to the Japanese Embassy there, and was in charge of all the secret documents including telegrams to the Military Attache.

"3. Since November 1943 when air raids over Berlin were intensified, I destroyed by fire secret documents several times by order of Military Attache KOMATSU. And when we left Berlin in April 1945, I destroyed by burning every confidential document.

"4. Consequently the following documents which were kept in the chamber of Military Attache in Berlin do not exist at present.

"(1) Telegram sent in 1935 from Military Attache OSHIMA to the Japanese Army General Staff concerning the German-Japanese Agreement.

"(2) Various instructions issued from 1937 to January 1939 by the Chief of the General Staff to the Military Attache in Berlin, concerning intelligence

1 against Soviet and the collection of information.

2 "(3) Telegram sent in 1937 from the Army  
3 General Staff to Military Attache OSHIMA, in forming  
4 Japan's policy of localizing the China Incident.

5 "(4) Instructions sent in 1937 from the Army  
6 General Staff to Military Attache OSHIMA, ordering him  
7 to negotiate with the German Army concerning Japan's  
8 'peace movement toward China.

9 "(5) Germany's proposal made in July 1938  
10 with regard to the Japan-German-Italian Treaty.

11 "(6) Telegrams sent in August 1938 from the  
12 War Ministry or the General Staff to Military Attache  
13 OSHIMA concerning the above treaty.

14 "(7) Telegrams sent in September and in  
15 October 1938 between Military Attache OSHIMA and the  
16 General Staff, with regard to the appointment of  
17 Military Attache OSHIMA to the post of Japanese Amba-  
18 sador to Germany.

19 "(8) Telegram sent in May 1939 from Military  
20 Attache KAWABE in Berlin to the War Ministry or the  
21 General Staff concerning the Japan-German-Italian  
22 Treaty negotiations.

23 "(9) Telegram sent in the same month and  
24 year from War Minister ITAGAKI to Military Attache  
25 KAWABE on the above matter."

1 Signed, "NISHI, Hisashi."

2 Defense document 2861 is now offered for the  
3 purpose of showing that the documents of the office  
4 of the Japanese Naval Attache in Berlin were all  
5 destroyed and are not available.

6 ACTING PRESIDENT: It will be admitted.

7 CLERK OF THE COURT: Defense document  
8 No. 2861 will receive exhibit No. 3491.

9 (Whereupon, the document above  
10 referred to was marked defense exhibit  
11 No. 3491 and received in evidence.)

12 MR. CUNNINGHAM: Due to the fact that the  
13 document is of the same tenor as the previous ones, I  
14 will not read its contents, but will not have to account  
15 for the documents when they are testified concerning.

16 I now present Mr. SHIMANOUCHI, who will  
17 present the first witness to the Tribunal.

18 ACTING PRESIDENT: Mr. SHIMANOUCHI.

19 MR. SHIMANOUCHI: I now call Witness WAKAMATSU.  
20 Tadaichi, in connection with the Anti-Comintern Pact.  
21

22 - - -  
23  
24  
25



WAKAMATSU

DIRECT

33,700

1 T A D A I C H I W A K A M A T S U, recalled as a  
2 witness on behalf of the defense, having been  
3 previously sworn, testified through Japanese  
4 interpreters as follows:

5 ACTING PRESIDENT: You are warned that you  
6 are still on your previous oath.

7 DIRECT EXAMINATION

8 BY MR. SHIMANOUCI:

9 Q Mr. Witness, please state your name and address.

10 A My name is WAKAMATSU, Tadaichi. My address,  
11 No. 2977 Kichijoji, Musashino-machi, Tokyo.

12 MR. SHIMANOUCI: May the witness be shown  
13 defense document No. 2081?

14 (Whereupon, a document was handed to  
15 the witness.)

16 Q Is that your affidavit?

17 A Yes.

18 Q Are the contents thereof true and correct?

19 A Yes.

20 MR. SHIMANOUCI: I now tender in evidence  
21 defense document 2081.

22 ACTING PRESIDENT: It will be admitted in  
23 evidence.

24 CLERK OF THE COURT: Defense document  
25 No. 2081 will receive exhibit No. 3492.

WAKAMATSU

DIRECT

33,701

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(Whereupon, the document above  
referred to was marked defense exhibit  
No. 3492 and received in evidence.)

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1 MR. SHIMANOCHI: I now read court exhibit  
2 No. 3492, omitting the formal parts, beginning with  
3 the sentence following the witness' address:

4 "I was from winter of 1934 until March  
5 1936 Chief of the Fourth Section of the Second  
6 Division of the General Staff, from December 1940  
7 until the end of March 1941 Director of the Second  
8 Division in charge of matters pertaining to mili-  
9 tary intelligence and information. Thereafter,  
10 until December 1942 I was Director of the General  
11 Division in charge of personnel administration and  
12 education of the General Staff officers, as well as  
13 other administrative affairs. Thereafter until  
14 October 1943 I was Director of the Third Division  
15 in charge of transportation and communication.

16 "2. By order of the Chief of the General  
17 Staff I left Japan in November 1935 for Germany and  
18 stayed in Berlin for about two weeks from the end  
19 of November until the middle of December. My  
20 mission was, as it was customary at that time for  
21 all Japanese Military Attaches in Europe to meet at  
22 certain intervals and study the information brought  
23 together, to attend as a member of the General Staff  
24 one of such meetings in Berlin. My second mission  
25 was to see Military Attache OSHIMA in order to

1 ascertain the actual situation in Germany.

2 "With respect to my second mission mentioned  
3 above a telegram from Attache OSHIMA in Berlin had  
4 arrived at the General Staff prior to my departure  
5 from Tokyo. Although I do not recollect now clearly,  
6 its content was vague, saying that: 'Ribbentrop  
7 wanted to know the view of the Japanese Army as to  
8 the idea of concluding an agreement between Japan  
9 and Germany providing that Japan or Germany would  
10 not help Soviet Russia if a war should break out  
11 between Japan or Germany and Soviet Russia.' I  
12 received prior to my departure from Tokyo an oral  
13 order from the Chief of the General Staff to in-  
14 vestigate and find out on my visit to Germany (a)  
15 the views of the German Army and Government as to  
16 the agreement proposed by Ribbentrop, (b) the  
17 possibility of concluding an anti-Comintern agree-  
18 ment between Japan and Germany, and (c) who Ribben-  
19 trop was, his position and his relations with the  
20 German Government.

21  
22 "3. According to an explanation given to  
23 me by the Deputy Chief of the General Staff SUGIYAMA  
24 the reason why the Japanese Army wanted to conclude  
25 such an agreement with Germany was that Japan, being  
isolated internationally as a result of the



1 Manchurian Incident was feeling greatly menaced  
2 by the powerful armament of Soviet Russia which  
3 was growing rapidly by the Five-Years plan; that  
4 it was also necessary to frustrate the offensive  
5 by Communism which is not compatible with the  
6 national structure of Japan; and that the  
7 approach to Germany was considered as the first  
8 step for making the position of Japan more secure  
9 by building up an anti-Communistic front with  
10 China and Germany, both strategically important  
11 to Japan, and, if possible, also with England and  
12 America.

13 "4. I left Japan at the beginning of  
14 November 1935, and upon my arrival in Berlin at  
15 the end of that month I immediately met Military  
16 Attaché OSHIMA in order to convey what I was told  
17 by the Chief and the Deputy Chief of the General  
18 Staff. OSHIMA understood this well and agreed to  
19 it. I never heard from OSHIMA or anybody else the  
20 idea to conclude this agreement with Germany in  
21 order to use it for an attack or waging war against  
22 China and other countries.

23 "5. I met, together with OSHIMA, Ribben-  
24 trop and General Blomberg, German Minister of  
25 Defense, in order to ascertain the German views as

1 Manchurian Incident was feeling greatly menaced  
2 by the powerful armament of Soviet Russia which  
3 was growing rapidly by the Five-Years plan; that  
4 it was also necessary to frustrate the offensive  
5 by Communism which is not compatible with the  
6 national structure of Japan; and that the  
7 approach to Germany was considered as the first  
8 step for making the position of Japan more secure  
9 by building up an anti-Communistic front with  
10 China and Germany, both strategically important  
11 to Japan, and, if possible, also with England and  
12 America.

13 "4. I left Japan at the beginning of  
14 November 1935, and upon my arrival in Berlin at  
15 the end of that month I immediately met Military  
16 Attaché OSHIMA in order to convey what I was told  
17 by the Chief and the Deputy Chief of the General  
18 Staff. OSHIMA understood this well and agreed to  
19 it. I never heard from OSHIMA or anybody else the  
20 idea to conclude this agreement with Germany in  
21 order to use it for an attack or waging war against  
22 China and other countries.

23 "5. I met, together with OSHIMA, Ribben-  
24 trop and General Blomberg, German Minister of  
25 Defense, in order to ascertain the German views as

1 to the Japanese-German agreement proposed by  
2 Ribbentrop. Ribbentrop suggested on this occasion  
3 that a separate anti-Communist agreement be con-  
4 cluded between Japan and Germany. I replied on  
5 the basis of the above mentioned explanation by the  
6 Deputy Chief of the General Staff that the Japa-  
7 nese Army also had such an idea. I left Berlin in  
8 the middle of December, arrived in Tokyo at the  
9 end of January 1936, and reported what I found in  
10 Berlin to the Chief of the General Staff.

11 "6. At that time the Japanese Ambassador  
12 in Berlin was Viscount MUSHAKOJI. He was staying  
13 in Japan from about the summer of 1935 until about  
14 April 1936. Therefore, the Japanese Ambassador was  
15 absent from Berlin at that time.

16 "Signed in Tokyo...

17 "Tadaichi WAKAMATSU"

18 You may cross-examine.

19 ACTING PRESIDENT: Mr. Tavenner.  
20  
21  
22  
23  
24  
25



## CROSS-EXAMINATION

1  
2 BY MR. TAVENNER:

3 Q Mr. WAKAMATSU, how many telegrams from  
4 Attache OSHIMA did you see before you left Japan  
5 on your assignment?

6 A I have no recollection at the moment, but  
7 I think it was about two or three.

8 Q Did these telegrams show that the character  
9 of the Pact contemplated was a No-Aid Pact in the  
10 event of war between the U.S.S.R. and Japan or  
11 Germany?

12 A In my recollection, that fact was shown.

13 Q Had the negotiations up to that time indicated  
14 the manner in which cooperation was to be given  
15 between Japan and Germany in the event of hostilities?  
16

17 A Well, I do not know what you are pointing  
18 to when you speak of negotiations. But in the  
19 OSHIMA-Ribbentrop talks, in my recollection, such  
20 matters were not brought up for discussion.

21 Q At the time of your departure from Japan,  
22 were members of the General Staff advocating a military  
23 alliance with Germany?

24 A At that time OSHIMA merely reported that  
25 there was only some kind of a proposal submitted by  
Ribbentrop and the matter had not reached any concrete



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9 of the Pact contemplated was a No-Aid Pact in the  
10 event of war between the U.S.S.R. and Japan or  
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18 to when you speak of negotiations. But in the  
19 OSHIMA-Ribbentrop talks, in my recollection, such  
20 matters were not brought up for discussion.

21 Q At the time of your departure from Japan,  
22 were members of the General Staff advocating a military  
23 alliance with Germany?

24 A At that time OSHIMA merely reported that  
25 there was only some kind of a proposal submitted by  
Ribbentrop and the matter had not reached any concrete

1 stage whatsoever. As I have stated in my affidavit,  
2 inasmuch as the proposal made by the German side  
3 was vague, there was no definite opinion or any  
4 advocacy among the General Staff officers with  
5 regard to this matter.

6 Q That is not an exact answer to my question.  
7 My question is this: Were there not members of the  
8 General Staff at that time who advocated a military  
9 alliance with Germany?

10 A No, there were not.

11 Q Is it not true that you were instructed by  
12 the General Staff before you left Japan to advise  
13 Military Attache OSHIMA to continue his investigations  
14 for a military alliance?

15 A No, I was not.

16 Q Acting on the instructions of the General  
17 Staff, did you deliver a secret code to OSHIMA for  
18 his use in making direct and secret reports to the  
19 General Staff regarding negotiations?

20 A No, there was nothing of the kind. I  
21 brought a general code book for use by Japanese  
22 military attaches resident in various European  
23 countries. There was no case of my ever bringing  
24 to Military Attache OSHIMA a special code for him.

25 Q Now, is it not true that on your arrival in

1 Germany, you learned that the German Army did not  
2 want a military alliance with Japan made public  
3 at that time and in consequence the Pact was changed  
4 to an Anti-Comintern Pact at the suggestion of  
5 Germany?

6 A No, I do not think so.

7 Q Had not the decision to convert the proposed  
8 military pact into a so-called Anti-Comintern Pact  
9 been made from the German side before you arrived in  
10 Germany?

11 A Yes, I think so. May I add just another  
12 word: That the Japanese General Staff entertained  
13 the desire to enter into some kind of an agreement  
14 for the purpose of protecting Japan from communism,  
15 not only with Germany but with any other countries  
16 who were disposed into entering into such an agree-  
17 ment. And, as I have stated in my affidavit, my  
18 impression of the situation at that time was that,  
19 before I departed on my trip to Europe to see Military  
20 Attache OSHIMA and others, there had already arisen  
21 in Germany itself a desire to enter into -- to con-  
22 clude an Anti-Comintern Pact, a matter which I had  
23 not previously known.

24 ACTING PRESIDENT: We will recess for fifteen  
25 minutes.

1 (Whereupon, at 1045, a recess was  
2 taken until 1105, after which the proceed-  
3 ings were resumed as follows):  
4

5 - - -

6 MARSHAL OF THE COURT: The International  
7 Military Tribunal for the Far East is now resumed.

8 THE INTERPRETER: If the Tribunal please,  
9 this is the Language Division. We wish to make a  
10 slight correction of the latter part of the witness'  
11 last answer.

12 ACTING PRESIDENT: Go ahead.

13 THE INTERPRETER: Thank you, sir.

14 When this hope of the Japanese General Staff  
15 as to some measures against Communism in mind, I left  
16 for Germany. While en route to Germany the idea of an  
17 Anti-Comintern Pact had arisen in Germany, and of this  
18 fact we in Japan had not been informed through Military  
19 Attache OSHIMA up to the time of my departure. That  
20 was the situation at the time, as I understand it."

21 That is all.

22 BY MR. TAVENNER (Continued):

23 Q Now, when you arrived in Germany did you not  
24 hear that the reason for the Anti-Comintern Pact being  
25 suggested from the German side was that the army was  
not prepared at that time and not willing that a



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15 for Germany. While en route to Germany the idea of an  
16 Anti-Comintern Pact had arisen in Germany, and of this  
17 fact we in Japan had not been informed through Military  
18 Attache OSHIMA up to the time of my departure. That  
19 was the situation at the time, as I understand it."

20 That is all.

21 BY MR. TAVENNER (Continued):

22 Q Now, when you arrived in Germany did you not  
23 hear that the reason for the Anti-Comintern Pact being  
24 suggested from the German side was that the army was  
25 not prepared at that time and not willing that a

military alliance be made public?

1 THE INTERPRETER: Mr. Tavenner, is it the  
2 German Army or the Japanese Army?

3 MR. TAVENNER: German Army.

4 A I heard nothing of that.

5 Q Do you recall that the Military Attache,  
6 OSHIMA, told you that he did not want the world to know  
7 that Japan was aligning herself against another country  
8 in a military alliance?

9 A No, I have no recollection.

10 Q You say you have no recollection. Do you mean  
11 you just do not remember whether that was true or  
12 whether it was not true?

13 A No, I have heard nothing about a military  
14 alliance.

15 Q At any rate, the Anti-Comintern Pact as  
16 finally concluded had attached to it a secret provision  
17 which incorporated the original non-aid provision that  
18 OSHIMA had telegraphed about; is that not true?

19 A What happened in the end I do not know be-  
20 cause I did not participate in it, but at that time I  
21 heard nothing of the matter.

22 Q Did you express the view that by the Anti-  
23 Comintern Pact Germany would be kept from drawing too  
24 close to the USSR?  
25

1 A To whom?

2 Q To your government, or to OSHIMA, or to any  
3 other person.

4 A I may have said so, because I had such an idea  
5 in mind.

6 Q Did you also say, or express the view, that  
7 Japan would be able by such a pact to procure intelli-  
8 gence and new-type work weapons from Germany?

9 A I have no recollection of having stated that,  
10 but I did have such an idea in my own mind.

11 Q Yes. Now, did you not also express the view  
12 that by such a pact Germany would be prevented from  
13 taking sides with China?

14 A Yes, I thought so.

15 Q Were these OSHIMA's views, also?

16 A Well, I have no clear recollection, but I  
17 thought that way and I presume that probably Military  
18 Attache OSHIMA entertained views which were not much  
19 different from mine.

20 Q Who was the Chief of the European and American  
21 Bureau of the Foreign Office at the time of your return  
22 from your mission to Berlin?

23 A Mr. TOGO.

24 Q Did you make a detailed report to him of your  
25 experiences in Germany, and matters relating to the



proposed pact?

1           A    I did not make any detailed report, but I do  
2 recall having reported to him, not immediately after,  
3 but some time later, on my impressions of Germany.

4           Q    Did you recommend to TOGO the need for speed  
5 in the conclusion of the pact in order to preserve  
6 secrecy?

7           A    I have no recollection, but I may have said so.

8           MR. TAVENNER: There are no further questions,  
9 if the Tribunal please.

10           THE WITNESS: However, there is one thing I  
11 should like to say.

12           ACTING PRESIDENT: He wants to add something.

13           MR. TAVENNER: All right.

14           Q    Does it relate to my last question?

15           A    Yes.

16           Q    Very well.

17           A    I should like to add that I talked to Mr.  
18 TOGO after my report had been submitted to the General  
19 Staff Office, and the General Staff Office transferred  
20 the matter to the War Ministry, and the War Ministry  
21 transferred the matter to the Ministry for Foreign  
22 Affairs.  
23

24           MR. SHIMANOUCI: I should like to make a very  
25 brief redirect.



## REDIRECT EXAMINATION

1 BY MR. SHIMANOUCHI:

2 Q In the prosecution's cross-examination,  
3 reference was made frequently to a military alliance.  
4 Does this refer to any other alliance which provided  
5 for non-aid on the part of either Germany or Japan  
6 in case either country should engage in conflict with  
7 the Soviet Union?  
8

9 A As I replied to the prosecutor, there was no  
10 occasion for any talk of a military alliance.

11 MR. SHIMANOUCHI: This concludes my redirect.

12 I ask that the witness be released on the  
13 usual terms.

14 Mr. Cunningham will now take over.

15 ACTING PRESIDENT: The witness will be so re-  
16 leased.

17 (Whereupon, the witness was  
18 excused.)

19 Mr. Cunningham.

20 MR. CUNNINGHAM: We now call the witness  
21 KASAHARA, Yukio, who acted as a courier between OSHIMA  
22 and the Japanese Army in 1938 in order to communicate  
23 the German proposal of a treaty to Tokyo, and the  
24 reaction of Tokyo to that proposal. The testimony of  
25 this witness will show, we believe, that OSHIMA was

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1 acting within the scope of his duties and in accordance  
2 with instructions from Tokyo.

3 We offer the affidavit, document 2724 revised.  
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1           ACTING PRESIDENT: Mr. Tavenner.

2           MR. TAVENNER: If it please the Tribunal,  
3 it is too late of course to object now to the type  
4 of running commentary counsel has made as far as this  
5 witness is concerned, but I desire to call to the  
6 Tribunal's attention the apparent effort to argue  
7 his case in presenting a witness, which has never  
8 been approved by the Tribunal, and it is a complaint  
9 that we have made on numerous occasions, especially  
10 with this defense counsel. I advised defense coun-  
11 sel several days that I would have to object to that  
12 type of argument being made in the presentation of a  
13 document or a witness. It is not necessary to make  
14 the testimony understandable, and I trust the Tribunal  
15 will stop comment of that type as future witnesses  
16 are presented.

17           ACTING PRESIDENT: Some of this comment does  
18 go beyond a mere statement of in what connection the  
19 witness is called.

20           MR. CUNNINGHAM: I explained, your Honor,  
21 I would dispense with the 28-page opening statement  
22 and confine my remarks to a few preliminary remarks  
23 in the presentation of each witness, and I think  
24 it is very bad grace on the part of the prosecution,  
25 after the verbosity in their opening statement

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22 and confine my remarks to a few preliminary remarks  
23 in the presentation of each witness, and I think  
24 it is very bad grace on the part of the prosecution,  
25 after the verbosity in their opening statement



1 and all that we have had to listen to, to make a petty  
2 complaint like this.

3 ACTING PRESIDENT: All I can say at this time  
4 is that the Tribunal will pay no attention to any  
5 statements of fact in the running commentary. We  
6 will rely on the exhibit or the testimony of the  
7 witness, whichever it may be, for the facts. The  
8 comment should not go beyond what you might have  
9 said in an opening statement.

10 - - -

11 Y U K I O K A S A H A R A, recalled as a wit-  
12 ness on behalf of the defense, having been  
13 previously sworn, testified through Japanese  
14 interpreters as follows:

15 ACTING PRESIDENT: You are reminded that  
16 you are still on your former oath.

17 MR. CUNNINGHAM: I ask that the witness be  
18 shown defense document 2724.

19 (Whereupon, a document was  
20 handed to the witness.)

21 DIRECT EXAMINATION

22 BY MR. CUNNINGHAM:

23 Q Will you state your name, Mr. Witness,  
24 and your address?

25 A My name is KASAHARA, Yukio, and my address

1 is Obune, Shimo-naka-mura, Ashigara, shimo-gun, Kana-  
2 gawa Prefecture.

3 Q Will you look at defense document 2724 and  
4 state whether or not that is your affidavit?

5 A This is my affidavit.

6 Q Will you state whether or not the contents  
7 thereof are true and correct?

8 A Yes, true and correct.

9 MR. CUNNINGHAM: I offer in evidence  
10 defense document 2724 with the exception of paragraph  
11 5, which I will not read.

12 ACTING PRESIDENT: It will be admitted on  
13 that condition.

14 CLERK OF THE COURT: Defense document No.  
15 2724 will receive exhibit No. 3493.

16 (Whereupon, the document above re-  
17 ferred to was marked defense exhibit 3493  
18 and received in evidence.)

19 MR. CUNNINGHAM: I now offer to read de-  
20 fense document 2724, exhibit 3493, skipping the  
21 formal parts and beginning at paragraph 2:

22 "2. I stayed in Berlin by order of the Army  
23 from January 1938 until the beginning of November of  
24 that year, when I left for Japan, except the period  
25 mentioned below, when I returned temporarily to

1 Japan. At that time I was Major General, and was  
2 supposed to be the successor to Attache OSHIMA.

3 "3. In July 1938 Attache OSHIMA told me that  
4 Ribbentrop proposed the conclusion of a defensive  
5 alliance between the three countries of Japan, Ger-  
6 many, and Italy, and asked to ascertain the view of  
7 the Japanese Army thereto. He requested me to return  
8 to Japan in order to communicate this matter. I  
9 left Berlin in the latter part of July, flew as far as  
10 Singapore, took the boat there, and arrived in Japan  
11 at the beginning of August.

12 "4. After my return I immediately explained  
13 the German proposal to the Army and Navy authorities and  
14 Foreign Minister UGAKI. The German proposal was to  
15 the effect that political support would be given in  
16 case Japan, Germany, or Italy were threatened by a third  
17 power, while military assistance would be given in  
18 case they were attacked. This matter made rapid prog-  
19 ress, and at the end of August the Japanese policy was  
20 decided upon at a Five Ministers conference. I heard  
21 from Major General NACHIJIRI, Chief of the Military  
22 Affairs Bureau at that time, that both the Government  
23 and the Army wished to settle the China Incident as  
24 early as possible. On the other hand, they feared  
25 an attack by Soviet Russia and thought it necessary to

1 Japan. At that time I was Major General, and was  
2 supposed to be the successor to Attache OSHIMA.

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21 from Major General NACHIJIRI, Chief of the Military  
22 Affairs Bureau at that time, that both the Government  
23 and the Army wished to settle the China Incident as  
24 early as possible. On the other hand, they feared  
25 an attack by Soviet Russia and thought it necessary to



KASAHARA

DIRECT

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1 be prepared for that. For those reasons such a prompt  
2 decision was made. I heard also from MACHIJIRI that  
3 the decision of the Five Ministers Conference approved  
4 in general the German proposal, and acknowledged the duty  
5 of mutual military assistance in case the contract-  
6 ing powers were attacked without provocation, with  
7 the qualification that Soviet Russia would be the  
8 primary, and other countries the secondary, objects  
9 of the military assistance. Thereupon the Army com-  
10 municated forthwith this decision of the Five Ministers  
11 Conference to Attache OSHIMA, and instructed him to  
12 take steps so that Germany would make formal proposal  
13 to Japan promptly concerning this treaty. I left  
14 Tokyo at the beginning of September, arrived in Ber-  
15 lin on or about 20 September and explained to Attache  
16 OSHIMA the above-mentioned progress of matter and the  
17 purport of the decision in Tokyo. Attache OSHIMA  
18 told me that he communicated this decision of the  
19 central authorities to the German side.  
20

21 "Signed, KASAHARA, Yukio."

22 ACTING PRESIDENT: Mr. Tavenner.  
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## CROSS-EXAMINATION

1 BY MR. TAVENNER:

2 Q Mr. KASAHARA, you state that the decision  
3 of the Five Ministers' Conference of August, 1938,  
4 was communicated to Attache OSHIMA and that he was  
5 instructed to take steps so that Germany would make  
6 formal proposals to Japan. Was this done by telegram  
7 from the War Ministry?  
8

9 A I have no clear recollection as to that but  
10 ordinarily it was custom for the General Staff Office  
11 to communicate such messages by telegram to the  
12 Military Attaches; but in this case I am not quite  
13 sure, this being a political question, whether the  
14 telegram was sent by the War Ministry or by the  
15 General Staff Office in accordance with established  
16 custom.

17 Q Did you see the telegram before it was sent  
18 or after it arrived in Germany?

19 A Yes, I have seen the telegram.

20 Q What was its date?

21 A I do not recall the date but it was sometime  
22 between the decision by the Five Ministers' Conference  
23 and my departure for Germany.  
24

25 Q And you departed for Germany on what date?

A I do not have a clear recollection of that

but I think it was the early part of September.

1 Q How early in September?

2 A On or about the 5th of September.

3 Q What was the date of the Five Ministers'  
4 Conference that reached this decision?

5 A In my recollection, about the end of August.

6 Q And what date do you mean by that?

7 A That I do not now recall.

8 Q Was this a long or short telegram?

9 A I don't quite get what you mean by long  
10 or short telegram.

11 Q Tell us a little more about the instruction  
12 contained in the telegram which you state you saw.

13 A I do not recall exactly the contents of that  
14 telegram, but the purport of that message was, as I  
15 remember, to the extent to which I have set forth in  
16 my affidavit and that is that revision was made to  
17 the extent that it would be satisfactory to Germany  
18 and accepted by Germany.

19 Q By Germany?

20 A Yes.

21 Q How many telegrams were sent before your  
22 departure for Germany relating to these instructions?

23 A I have no exact recollection but they were  
24 not sent many times; if I am not mistaken, only about  
25

1 once.

2 Q I don't understand your answer when you  
3 say not many times, about once. Does that mean  
4 that there may have been more than one telegram?

5 A There may have been telegrams sent without  
6 my being informed of them.

7 Q Do you know of more than one telegram?  
8 That is what I am asking you.

9 A The telegram I know of is only one.

10 Q And is that the only telegram that you know  
11 of sent prior to your departure for Germany?

12 A Yes, that is the only one I know.

13 Q Then if there were other telegrams you are  
14 only partially informed on the subject, aren't you?

15 A Yes, that is what it would amount to.

16 Q Had OSHIMA communicated this decision of the  
17 Five Ministers' Conference to Ribbentrop before you  
18 arrived in Germany?

19 A Yes, I think to some extent, but whether he  
20 made a full report or not I do not know. He may have  
21 been waiting for my return to Berlin and, pending my  
22 return, reserved part of the report.

23 Q He may have. Do you not know whether he had  
24 made a report of this matter to Ribbentrop before you  
25 arrived or after you arrived?



1           A    Yes, I know that he gave the notification  
2 either prior to my return to Germany or after.

3           Q    Well, do you state whether or not you are  
4 qualified to tell this Tribunal whether that was  
5 done before you arrived in Germany or not, and tell  
6 the Tribunal whether it was so or not?

7           A    Whether he made the report to Ribbentrop  
8 with reservations or without reservations I do not  
9 know, but I know that OSHIMA reported to some extent.

10          Q    What do you mean by "with reservations"?

11          A    I think at least OSHIMA reported to some  
12 extent for the time being and reserved certain details  
13 and definite statements until my return to Berlin.

14          Q    And those details and specifications were  
15 conditions that had been placed by the Japanese  
16 Government on the extent of the treaty? By extent  
17 I mean the scope of the treaty.

18          A    I think so but I am saying this from my  
19 knowledge of the results, but I do not know what the  
20 situation was then.  
21  
22  
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24  
25

1 Q Well, you have attempted to tell us in your  
2 affidavit right much in detail about what occurred there  
3 in Berlin. You have told us that OSHIMA made certain  
4 reservations in his discussion with Ribbentrop. You  
5 certainly know in a matter in which you were so vitally  
6 concerned what those reservations were. Tell the  
7 Tribunal what they were.

8 A I did not say he made reservations. I said it  
9 was possible to make reservations. That is because  
10 after I returned to Berlin Ambassador OSHIMA posed  
11 certain questions to me, saying, "Isn't this a little  
12 bit different or ambiguous," or words to such extent,  
13 and from that I surmised that he may have made reserva-  
14 tions in making the report to Ribbentrop prior to my  
15 return to Berlin.

16 Q Then what did OSHIMA do about these ambiguous  
17 matters that you have referred to?

18 A Well, I think he handled the matter after  
19 finding out that the contents of my explanations  
20 synchronized with -- was consistent with the contents  
21 of the telegram from the War Ministry. It was a mis-  
22 take on my part to have said "War Ministry". From the  
23 Army I should have said.

24 Q When did you arrive in Germany?  
25

A Sometime around the 20th of September.

1 Q How long after your arrival was it that OSHIMA  
2 took the matter up again with Ribbentrop?

3 A In view of the fact that I reported to OSHIMA  
4 the day I returned to Berlin, I think it was immediately  
5 after that.

6 Q Now, what was the ambiguity that you say was  
7 mentioned to you by OSHIMA?

8 A I think it was something with reference to  
9 war participation in the event an attack was made by  
10 a country other than the Soviet Union.

11 Q Did he show you the telegram and discuss it  
12 with you at the time?

13 A He did not show me the telegram but I knew the  
14 contents of the telegram so we discussed on the basis  
15 of our knowledge of it -- we discussed the matter  
16 because both of us knew the contents of the telegram.

17 Q No effort was made by OSHIMA at that time to  
18 get in touch again with the government in Japan, was it?

19 A From my explanation at least he understood  
20 what the situation was and on that basis communicated  
21 with the German side.

22 Q I asked you if OSHIMA got in touch with the  
23 Japanese government at the time that this ambiguity  
24 was discussed -- so-called ambiguity was discussed  
25 between the two of you.

1       A    Of that I have no recollection. However, I  
2 think that at least prior to the sending of the notifi-  
3 cation to the German side he did not contact Japan.

4       MR. TAVENNER: I have no further questions.

5       ACTING PRESIDENT: I have a question from a  
6 Member of the Tribunal.

7       Who, according to the instructions sent from  
8 Tokyo, was personally in charge of securing a formal  
9 proposal of treaty from Germany? OSMUNA or the  
10 Japanese ambassador in Berlin?

11       THE WITNESS: May I have the question repeated?

12       (Whereupon, the Japanese court reporter  
13 read.)

14       THE WITNESS: Well, my view is that -- my  
15 understanding was that the official proposal was to be made  
16 by the German government to the ambassador.

17       ACTING PRESIDENT: That doesn't answer the  
18 question.

19       THE WITNESS: Then the question is still un-  
20 clear to me.

21       (Whereupon, the Japanese court  
22 reporter read.)

23       THE WITNESS: I do not know which was in charge.

24       ACTING PRESIDENT: That is all.

25       MR. TAVENNER: If the Tribunal please, on the



1 basis of that last answer I would like to ask another  
2 question.

3 ACTING PRESIDENT: You may proceed.

4 BY MR. TAVENNER (Continued):

5 Q When you returned to Berlin did you go to see  
6 the ambassador or did you go to see the military  
7 attache, OSHIMA, in regard to this matter?

8 A I went to see Military Attache OSHIMA. I made  
9 my business report to Military Attache OSHIMA but I paid  
10 a courtesy visit to the ambassador.

11 Q The only occasion for your visiting the  
12 ambassador was the courtesies that the occasion demanded,  
13 isn't that true?

14 A Yes.

15 MR. CUNNINGHAM: That matter will be cleared  
16 up later on, your Honor.

17 No further cross-examination or direct, I guess.  
18 The witness may be excused on the usual terms.

19 ACTING PRESIDENT: He will be so excused.

20 (Whereupon, the witness was excused)

21 MR. CUNNINGHAM. Shall I start with the next  
22 witness before afternoon?

23 ACTING PRESIDENT: Is the next a document or  
24 a witness?

25 MR. CUNNINGHAM: Witness.

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ACTING PRESIDENT: We will adjourn until 1:30.

(Whereupon, at 1155, a recess was  
taken.)

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## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: With the Tribunal's permission, the accused SHIMADA will be absent from the courtroom the whole of the afternoon session conferring with his counsel.

MR. SHIMANOUCHI: In order to clarify Ambassador OSHIMA's position concerning the negotiations between Japan, Germany and Italy, we now call to the stand the witness USAMI, Uzuhigo.

THE MONITOR: Negotiations which were conducted between 1938 and 1939.

MARSHAL OF THE COURT: Mr. President, the witness USAMI is in court. He has previously testified before this Tribunal.

ACTING PRESIDENT: You are reminded that you are still under your former oath.

- - -

1 U Z U H I K O U S A M I, recalled as a witness on  
2 behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. SHIMANOUCI:

7 Q Mr. Witness, please state your name and  
8 address.

9 A My name is USAMI, Uzuhiko. My address is  
10 No. 616 Koenji, 4-Chome, Sugimami-ku, Tokyo.

11 MR. SHIMANOUCI: May the witness be shown  
12 defense document 2630?

13 (Whereupon, a document was handed to  
14 the witness.)

15 Q Is that your affidavit?

16 A Yes.

17 Q Are the contents thereof true and correct?

18 A Yes.

19 MR. SHIMANOUCI: I now tender in evidence  
20 defense document 2630.

21 ACTING PRESIDENT: It will be admitted in  
22 evidence.

23 CLERK OF THE COURT: Defense document No.  
24 2630 will receive exhibit No. 3494.  
25

(Whereupon, the document above



1 referred to was marked defense exhibit  
2 No. 3494 and received in evidence.)

3 MR. SHIMANOUCI: I shall now read exhibit  
4 3494, omitting the formal parts.

5 "I graduated from the Tokyo Imperial Univer-  
6 sity, faculty of law, in 1918, and entered the Foreign  
7 Office in 1920. After I had served as Secretary in  
8 the Japanese Bureau for the League of Nations in  
9 Geneva, Secretary in the Japanese Embassy in France,  
10 Chief of Section in the Foreign Trade Department of  
11 the Foreign Office, Consul General in Fuchow, Mukden,  
12 Geneva, etc., I was appointed Councillor of the Japanese  
13 Embassy in Berlin in October 1938.

14 "2. I remember that I arrived in Berlin on  
15 11 November 1938. I stayed in Berlin as the Council-  
16 lor of the Embassy until my departure from there in  
17 May 1940 for my new post as the Minister in Egypt,  
18 and assisted Ambassador OSHIMA continuously until the  
19 end of August 1939 in the negotiations with the German  
20 Government for strengthening the Anti-Comintern Pact.  
21 As all records of that time have been lost, I cannot  
22 tell accurately the contents of telegrams, etc.  
23 exchanged with the Foreign Office in Tokyo, but I remem-  
24 ber the broad outline of the matter.  
25

"3. When I arrived in Berlin, Mr. OSHIMA had

1 already become Ambassador in the latter part of Oct-  
2 ober; official negotiations for strengthening the  
3 Anti-Comintern Pact had been commenced, and a tenta-  
4 tive German plan had been cabled by Ambassador OSHIMA  
5 to the Foreign Minister.

6 "According to what I heard from Ambassador  
7 OSHIMA the progress up to that time was as follows:  
8 While Mr. OSHIMA was still Military Attache, a re-  
9 quest was received from Ribbentrop to ascertain the  
10 view of the Japanese Army as to the idea of a  
11 Japanese-German mutual assistance treaty. OSHIMA  
12 sent home Major General KASAHARA to convey this re-  
13 quest to the Central Army authorities. The Army  
14 brought the matter before the Five-Ministers Conference  
15 at the end of August, and on the basis of the decision  
16 of this conference, cabled to OSHIMA that approval in  
17 principle was given to the German idea. Shortly there-  
18 after, Major General KASAHARA returned to Berlin and  
19 reported to the same effect. Attache OSHIMA, upon  
20 instruction of the Army, informed Ribbentrop of this.  
21 After OSHIMA became ambassador, Ribbentrop presented  
22 officially a German draft proposal and asked for the  
23 official view of the Japanese Government. Thereupon  
24 Ambassador OSHIMA sent a telegram to the Foreign Min-  
25 ister and was waiting for instructions in return.

1           "The above-mentioned decision of the Five-  
2 Ministers Conference at the end of August was also  
3 cabled at that time from the Foreign Minister to the  
4 Japanese Embassy in Germany, and I remember reading  
5 that telegram.

6           "A telegram in reply to Ambassador OSHIMA's  
7 telegram transmitting the German draft proposal was  
8 received from Foreign Minister ARITA shortly after my  
9 arrival in Berlin. It said in effect that this pro-  
10 posal was a capital idea 'killing as it will three  
11 birds with one stone,' that is to say it would be  
12 conducive to the speedy settlement of the China Inci-  
13 dent, it would strengthen Japan's defensive position  
14 vis-a-vis Soviet Russia, and it would improve our  
15 general diplomatic position.

16           "The cable further stated that concrete plans  
17 were being studied by the government which would be  
18 cabled to Berlin as soon as decided upon. We on the  
19 spot got naturally the impression that the attitude  
20 of the control authorities were very positive in re-  
21 gard to this proposed treaty.

22           "However, shortly thereafter a further tele-  
23 gram was received from the Foreign Minister stating  
24 that there seemed to exist a misunderstanding with  
25 respect to the objective of the treaty, namely, as



1 to the question whether countries other than Soviet  
2 Russia should also be included in the object. However,  
3 according to what I learned from Mr. OSHIMA the de-  
4 cision of the Five Ministers Conference at the end  
5 of August, which was conveyed to him by an Army tele-  
6 gram while he was still Military Attache, approved in  
7 principle the German proposal of a general mutual  
8 assistance treaty without limiting the object, with  
9 the explanation that Soviet Russia was the primary  
10 and other countries were the secondary objects (Major  
11 General KASAHARA confirmed also the point upon his  
12 return to Berlin at the end of September.) Therefore,  
13 Mr. OSHIMA requested the Foreign Minister forthwith  
14 by a telegram to clarify what the latter meant by  
15 stating that there was a misunderstanding. No clear  
16 answer was, however, received. I also remember in  
17 this connection that the telegram of the Foreign  
18 Minister transmitting the decision of the Five Ministers  
19 Conference at the end of August, which I read as men-  
20 tioned above, did not contain any passage limiting  
21 the object, and that I also got the impression that the  
22 government was going to conclude a treaty of a general  
23 nature.  
24

25 "In this way no progress in the negotiations  
with the German side was made until the arrival of



Special Envoy ITO as mentioned below.

1           "4. In the meantime, in the middle of  
2 December 1938 as I remember, Ambassador OSHIMA upon  
3 request of Ribbentrop went to Rome and saw Mussolini.  
4 Ribbentrop requested namely that, as Italy, although  
5 in principle consenting to participation in the pro-  
6 posed treaty as a result of negotiations with Germany,  
7 nevertheless made reservation as to the time of its  
8 conclusion, the Italian intention be ascertained also  
9 by the Japanese side; and Ambassador OSHIMA, therefore,  
10 went to Rome after, of course, cabling the purpose of  
11 his trip to the Foreign Minister and securing the  
12 latter's approval. Ambassador OSHIMA told me after his  
13 return to Berlin that he met Mussolini only once, and  
14 that Mussolini's answer was to the effect that he ap-  
15 proved the purpose of the treaty but could not say  
16 anything definite yet as to the time of its conclusion.

18           "5. At the beginning of January 1939 there  
19 was a cabinet change in Japan and the HIRANUMA Cabinet  
20 was formed. Shortly thereafter a telegram was received  
21 from the Foreign Minister announcing that Minister ITO  
22 and others would be dispatched to Berlin in order to  
23 transmit instructions regarding the policy the govern-  
24 ment had decided upon. Ambassador OSHIMA requested  
25 that he be informed by telegram of the outline at least

1 of the government's decision, but the reply was that  
2 in view of the necessity of secrecy and the difficulty  
3 to explain the matter by cable, the arrival of the  
4 ITO mission should be awaited. The mission consisted,  
5 besides Minister ITO, of Colonel TATSUMI, Eiichi, of  
6 the Army, and Rear Admiral ABE, Katsuo, of the Navy,  
7 and arrived in Berlin at the end of February 1939.  
8 As the instruction brought by them was addressed to  
9 both ambassadors in Germany and Italy, Ambassador  
10 SHIRATORI also came to Berlin and heard together with  
11 Ambassador OSHIMA the explanations by the envoy. I  
12 also attended the conference.

13 "The content of the instruction brought by  
14 the mission was, as far as I remember, as follows:

15 "As to the treaty itself, it was a draft of a  
16 mutual assistance treaty of general nature without  
17 limiting the objective; in the preamble the purpose of  
18 the treaty was stated to be the defense against commun-  
19 istic menace in Asia and Europe. However, by a secret  
20 mutual understanding on a separate paper Japan wanted  
21 to reserve, although I do not remember the text liter-  
22 ally, that she would as a matter of fact render no  
23 military assistance in case countries other than Soviet  
24 Russia became involved, and that in case inquiries were  
25 made by third powers as to the nature of the treaty

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1 explanations should be given that it was an extension  
2 of the Anti-Comintern Pact, thus limiting in fact the  
3 object of the treaty to Soviet Russia. Moreover, in  
4 the detailed explanation attached to this draft there  
5 was a passage to the effect that the government felt  
6 compelled to come down to this extent from its orig-  
7 inal standpoint, as Germany and Italy had been led to  
8 misunderstand Japan's intention.



1 "As mentioned above, Ambassador OSHIMA had  
2 already informed the German side that Japan approved  
3 the draft treaty of mutual assistance with Soviet  
4 Russia as primary, and other powers as secondary objects;  
5 he thought it therefore necessary to clear up the ques-  
6 tion of his responsibility in view of the intimation  
7 of Tokyo that Germany and Italy had been misled, and  
8 cabled a request for explanation to the Foreign  
9 Minister at the outset of March. As to the content of  
10 the instruction itself, Ambassador OSHIMA and SHIRATORI  
11 after deliberate consultations, dispatched a telegram  
12 to Tokyo requesting the government to reconsider the  
13 matter. The gist of the telegram, as far as I remember,  
14 was as follows:

15 "The Japanese proposal for a secret understand-  
16 ing to limit the objective of the treaty practically  
17 to Soviet Russia, while stipulating in the text itself  
18 in a clearly general sense, would cast a slur on the  
19 good faith of Japan, as it would also contradict what had  
20 already been communicated to the German side, and would  
21 moreover never be entertained by Germany and Italy;  
22 therefore, Japan should conclude the treaty first with-  
23 out the proposed secret understanding, referring the  
24 definition of the duty of military assistance to be borne  
25 actually by Japan to later discussions by the contracting



parties then envisaged in the proposed treaty.'

"The Foreign Minister replied at the end of March to the above mentioned telegram of Ambassador OSHIMA that no one in particular was responsible for the misunderstanding by Germany and Italy. Ambassador OSHIMA accepted this as settling the question for the time being; he never in connection with this matter tendered resignation to the government at any period.

"To the opinion expressed by the two Ambassadors there was a reply at the end of March. Its gist was to change the content of the secret understanding insofar as that although Japan acknowledged the duty for military assistance in regard to countries other than Soviet Russia, she would not be able to carry it out effectively for the time being, and that Japan would explain in case of inquiries by third powers that the actual menace to Japan was the destructive activities of the Comintern and, as far as Japan was concerned, she had nothing other than these in view in concluding the treaty.

"6. Ambassador OSHIMA transmitted the content of the new instruction to the German side at the beginning of April and reopened the negotiations. Germany consented to the Japanese proposal insofar as the text of the draft treaty itself was concerned, but showed

parties then envisaged in the proposed treaty.'

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"6. Ambassador OSHIMA transmitted the content of the new instruction to the German side at the beginning of April and reopened the negotiations. Germany consented to the Japanese proposal insofar as the text of the draft treaty itself was concerned, but showed

1 reluctance to accept the secret understanding and  
2 requested its withdrawal or at least the reducing of it  
3 to a mere oral understanding, stating that these matters  
4 should be referred to detailed agreements to be  
5 arranged after the conclusion of the treaty. She further  
6 insisted that, in case countries other than Soviet  
7 Russia became the objects, Japan should at least be ready  
8 to accept the duty of participation in the war, although  
9 Germany (and Italy) did not expect much from the military  
10 assistance by Japan.

11 "The instructions of the Japanese Government  
12 showed, as far as I remember, while insisting on  
13 committing the secret understanding to black and white,  
14 certain readiness to concede in substance to the German  
15 view; especially, they never denied the duty of war  
16 participation. Nevertheless, they wanted to interpret  
17 the term of war participation in a much broader sense  
18 than usual, and tried to include in it cases which  
19 normally cannot be considered as war participation.  
20 Therefore, it was very difficult for us on the spot to  
21 understand them, and Ambassador OSHIMA experienced much  
22 difficulties in explaining them to the German side.  
23 In order to overcome these difficulties, I and Secretary  
24 TAKEUCHI in consultation with Gaus, Chief of the Treaty  
25 Department of the German Foreign Office, made in May a



1 tentative draft as to the content of the secret under-  
2 standing adopting in general the idea of the Japanese  
3 Government. Upon this basis there were several negoti-  
4 ations between Japan and Germany, without arriving at  
5 an agreement.

6 "Especially, as the German Government was  
7 opposed to the idea of making the secret understanding  
8 in writing, the negotiations were completely dead-  
9 locked since the end of June, and while no instruc-  
10 tions were received from Japan, the German-Russian Non-  
11 Aggression Pact was signed on 23 August, whereupon  
12 the Japanese Government broke off the negotiations.

13 "During these negotiations it happened some-  
14 times that Ambassador OSHIMA, in order to fulfill his  
15 duty as the envoy on the spot, presented his opinion  
16 to the Foreign Minister, in accordance with the Civil  
17 Service Discipline Ordinance, and, as a result thereof,  
18 original instructions of Tokyo were changed. However,  
19 I do not remember that Ambassador OSHIMA ever refused  
20 to carry out the instructions, or exceeded the limit  
21 thereof. Also, there never has been the case that  
22 Ambassador OSHIMA tendered resignation, or threatened  
23 the Tokyo Government by indicating his desire to resign.

24 "As far as I remember, most of the instructions  
25



of the Foreign Minister during the negotiations was  
based on the decisions of the Five Ministers Conference."

MR. TAVENNER: If it please the Tribunal, I  
regret the necessity of interrupting now and apologize  
for not having raised this before at an earlier time.  
The last three lines at the bottom of page 10 constitute  
a statement of opinion and an effort to forswear one of  
the issues in the case and they are just about to begin  
the reading of that paragraph.

ACTING PRESIDENT: In so far as it may constitute  
an opinion, we will disregard it.

MR. SHIMANOUCI: May I explain?

ACTING PRESIDENT: No necessity for it.

MR. SHIMANOUCI: Thankyou, sir.

ACTING PRESIDENT: Proceed with your reading.

MR. SHIMANOUCI: Starting with the second sentence  
of the second paragraph, page 10:

"Their meaning was very ambiguous, making it  
difficult for us on the spot to understand, and impossible  
to transmit, them to the German side. Therefore,  
Ambassador OSHIMA, pressed as he was by the necessity  
of conducting negotiations with Germany, sometimes  
requested fairly strongly the Foreign Minister to clar-  
ify the Government's attitude; he also endeavoured to  
transmit to Tokyo the true idea of the German Government.

1 These things might have caused OSHIMA to be rumoured as  
2 recalcitrant to his Government, but the truth is as  
3 above described, and I as an official of the Foreign  
4 Office could not find, as a matter of fact, any im-  
5 propriety in the conduct of Ambassador OSHIMA.

6 "Furthermore, Ambassador OSHIMA never commun-  
7 icated at that time directly with the War Ministry or  
8 the Army General Staff in Tokyo.

9 "7. The conclusion of the German-Russian Non-  
10 Aggression Pact was a complete surprise for Japan; there  
11 was no previous notification before the matter had been  
12 decided upon, and we were at the same time very much  
13 surprised and angered. Ambassador OSHIMA, as far as I  
14 remember, protested orally when Ribbentrop gave him the  
15 first information from South Germany on or about 20 August  
16 by telephone, and repeated it when he saw Ribbentrop in  
17 Berlin on 22 August on the latter's way to Moscow.

18 "At the end of August, an instruction was  
19 received from the Foreign Minister ordering a protest  
20 to the German Government. As Ribbentrop was not in  
21 Berlin at that time, Ambassador OSHIMA brought a note  
22 of protest to Weizsaecker, the State Secretary (Vice  
23 Foreign Minister). However, upon an urgent request of  
24 the latter to postpone the handing of the note in view  
25 of the very grave diplomatic position of Germany,

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1 OSHIMA postponed the execution of the instruction until  
2 the middle of September when the prospect of the German-  
3 Polish war became somewhat clear, and handed the note  
4 of protest to Weizsaecker.

5 "On this 10 day of September, 1947.

6 "At Tokyo.

7 "USAMI, Uzuhiro (seal)."

8 With the permission of the Court, I should like  
9 to ask this witness two or three questions in additional  
10 direct examination.

11 ACTING PRESIDENT: Proceed.

12 BY MR. SHIMANOUCHI (Continued):

13 Q In August 1939 when the Soviet-German Pact of  
14 Non-Aggression was signed, did Ambassador OSHIMA tender  
15 his resignation to the Japanese Government or did he not  
16 do so?

17 A At that time Ambassador OSHIMA requested the  
18 Foreign Office for a recall with a view to being released  
19 from his duty -- relieved of his duties.

20 Q On what day of August was that?

21 A In my recollection it was around the 22nd or  
22 23rd of August.

23 Q Did OSHIMA tell you the reasons why he was  
24 tendering his resignation?

25 A Yes, there was some talk from him on that point.



1 Q What were the reasons?

2 A In my recollection Ambassador OSHIMA spoke to  
3 the following effect:

4 One of his reasons was his sense of responsi-  
5 bility over not being able to anticipate this non-  
6 aggression pact between Germany and the Soviet Union  
7 in the light of the fact that he was the Japanese  
8 ambassador stationed in Berlin. The second reason was  
9 that it became clear that it would be impossible for him  
10 as ambassador in Berlin to further negotiate the Tri-  
11 partite Alliance -- tri-partite agreement, for the  
12 conclusion of which he had made efforts, because of the  
13 development of the new situation and in consequence felt  
14 that it was improper for him -- inappropriate for him to  
15 further continue his efforts in the light of the new  
16 development and to retain his ambassadorship.

17 Another reason was that Ambassador OSHIMA  
18 regarded the German step as being unfaithful and in-  
19 sincere toward Germany -- correction: to Japan, for,  
20 while advancing talks with Japan in connection with the  
21 conclusion of a German-Japan and Italian Pact, the  
22 Germans had, without notifying Japan whatsoever of the  
23 matter, it concluded such an agreement with the U.S.S.R.  
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1 Q When Ambassador OSHIMA had talks with  
2 influential people on the German side, did he notify  
3 you of these talks, inform you of these talks in view  
4 of your position as Councilor of Embassy?

5 A It was customary for the Ambassador to  
6 inform me of the contents of talks he had had with  
7 German leaders.

8 Q My last question. Have you ever heard that  
9 OSHIMA met Himmler sometime in January, 1939?

10 A I have never heard that Ambassador OSHIMA  
11 met Himmler sometime in January, 1939; but not only  
12 that, I have never heard, during my tenure of office  
13 as Councilor of Embassy I have never heard of OSHIMA  
14 meeting Himmler.

15 MR. SHIMIZOUCHI: This concludes my direct  
16 examination.

17 The counsel for the defendant SHIRATORI  
18 desires to ask a few additional questions.

19 ACTING PRESIDENT: Mr. Caudle.

20 MR. CAUDLE: If it please the Tribunal.

21 ACTING PRESIDENT: Is this direct or cross-  
22 examination?

23 MR. CAUDLE: Direct examination.

24 May the witness be shown exhibit 2619?

25 (Whereupon, a document was handed to

the witness.)

DIRECT EXAMINATION (Continued)

BY MR. CAUDLE:

Q Mr. USAMI, that document, namely, exhibit 2619, is a draft of a tripartite pact under date of May 15, 1939, which consists of the pact proper, the signing protocol, the secret accessory protocol, and the papers Nos. 2, 3, and 4. It is stated that the Japanese Government did not yet concur to the last-mentioned three papers. Do you know the draft?

A Yes, I do.

Q What were the differences between that draft and the draft brought by the ITO Commission -- or Mission?

A In connection with these documents, the pact proper, the signing protocol, and the secret accessory protocol, which is paper No. 1, constitute the main part of the treaty and are the same as the draft brought by Minister ITO to Berlin. The papers Nos. 3 and 4 are different from the drafts brought by Special Envoy ITO. The draft brought by Special Envoy ITO was the draft of items for a secret understanding which Japan had proposed with reservations, and what corresponds to that in these papers which you have just mentioned are papers 3 and 4, which was drafted in the

1 following manner:

2 The German Government did not approve the  
3 Japanese proposed plan, and therefore I and the  
4 representative of the German Foreign Office, Gaus, had  
5 discussions on the matter, and as a result Gaus pre-  
6 pared a plan, and this plan proposed by the German  
7 side and offered by Gaus constitutes papers 3 and 4.  
8 Paper No. 2 relates to the German-Italian Alliance,  
9 and this was not included in the Japanese draft  
10 brought by Special Envoy ITO. This was proposed by  
11 Germany as an addition, having in mind the conclusion  
12 of a German-Italian Alliance.

13 Q Did the German Government agree to papers  
14 Nos. 3 and 4, that is, the Gaus draft?

15 A Substantially yes, but the German Government  
16 was opposed to recognizing the draft officially, that  
17 is, the Gaus plan; that is to say, the German Govern-  
18 ment was opposed to stipulating such reservations in  
19 writing, and proposed that an oral understanding would  
20 be quite sufficient for the purpose.

21 Q The draft, exhibit 2619, stipulated for help  
22 and assistance to be given by the contracting powers,  
23 but it was not clear whether the contracting powers  
24 had the obligation to participate in war. Was this  
25 problem of participation in war also to be submitted

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1 to the conference of representatives of the three  
2 countries?  
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1 MR. TAVENNER: If the Tribunal please, I  
2 object to the question in that it is an effort to obtain  
3 from this witness the meaning of this particular draft,  
4 whereas the draft speaks for itself.

5 MR. CAUDLE: If it please the Tribunal, he  
6 knows the draft, he knows what the intention of the  
7 Japanese Government was at that time, and he certainly  
8 should be permitted to clarify the issue.

9 ACTING PRESIDENT: Objection sustained.

10 Q Did the Japanese Government agree to papers  
11 No. 3 and 4, that is, the Gaus draft?

12 A No, the Japanese Government did not go as far  
13 as giving its consent to the so-called Gaus draft.

14 Q Was that the only point about which no agree-  
15 ment could be attained until the last between the  
16 Japanese and the German and Italian Governments?

17 A Yes.

18 Q The prosecution insisted that SHIRATORI advo-  
19 cated an all-out military alliance without reservations.  
20 Had SHIRATORI or any other person ever advocated a  
21 stronger alliance than the draft, exhibit 2619?

22 A Ambassador SHIRATORI has never advocated an  
23 alliance of a contents stronger than this draft. Not  
24 only that, there was no one else who advocated an  
25 alliance which was stronger than that set forth in the

draft during the negotiations.

1 Q Would the Tripartite Pact negotiated in 1939  
2 be directed also against the United States?

3 A The question of the United States was not dis-  
4 cussed or argued at the time. In accordance with the  
5 purport of the preamble of the draft, the United States  
6 was considered to be outside of the consideration.

7 Q The so-called "mutual help and assistance" as  
8 stipulated in the pact, was that to be automatic, or  
9 to be discussed?

10 MR. TAVENNER: I desire to make the same  
11 objection, if the Tribunal please: the language of  
12 the pact speaks for itself.

13 ACTING PRESIDENT: Objection sustained.

14 MR. CAUDLE: Yes, sir; thank you.

15 CROSS-EXAMINATION

16 BY MR. TAVENNER:

17 Q Mr. USAMI, you tell us in your affidavit that  
18 OSHIMA received a cable advising that the Five Ministers'  
19 Conference in the latter part of August, 1938, had  
20 approved, in principle, the German proposals. Did you  
21 see that cable?

22 A At that time, that is to say, about the end  
23 of August, OSHIMA was the Military Attache. He was  
24 not yet the Ambassador. If your question is directed --  
25

1 is to the effect whether or not I saw the telegram  
2 received, by OSHIMA as Military Attache, I must reply  
3 that I did not see the telegram.

4 Q Then you know nothing about its contents if  
5 you did not see it?

6 A As far as the contents are concerned, I heard  
7 of it from Ambassador OSHIMA generally.

8 Q Then tell us when it was received.

9 A I cannot reply to that question because when  
10 the telegram reached OSHIMA I was not then yet Councilor  
11 of the Japanese Embassy and I was not in Berlin.

12 Q From whom was it sent?

13 A As I have said, I was not then in Berlin so  
14 I do not know and, therefore, I cannot give you any  
15 accurate information on that.

16 Q In other words, everything that is in your  
17 affidavit regarding the notification of OSHIMA about  
18 the action or decision of the Five Ministers' Conference  
19 is what you learned from OSHIMA and nothing of what  
20 you know yourself?

21 A I am familiar with matters after November,  
22 1938, that is to say, after I arrived at my post in  
23 Berlin, because I personally handled such matters.

24 Q Now, you state that you did see a telegram  
25 from the Foreign Ministry. That is a different

1 telegram from the one originally notifying OSHIMA of  
2 the action of the Five Ministers' Conference, is it  
3 not?

4 A The telegram which I said I saw was the  
5 telegram which was addressed by the Foreign Office to  
6 the then Ambassador in Berlin following the results  
7 of the Five Ministers' Conference at the end of  
8 August, 1938. This telegram I saw after my arrival  
9 at my post in Berlin.

10 Q What was the date of that telegram?

11 A At this date I do not recall the date of the  
12 telegram. I think it was either the end of August  
13 or the first part of September.

14 Q And to whom was that telegram addressed?

15 A I think it was Ambassador TOGO.

16 Q Then what was TOGO directed to do?

17 A As far as I remember, I do not think there  
18 was anything in the telegram directing especially TOGO  
19 to do this or to take such certain steps or to take  
20 such measures.

21 Q Well, what was the subject of the telegram?  
22 Tell us about it.

23 A The contents were relative to the Japanese-  
24 German Agreement which was informally proposed by  
25 Ribbentrop to OSHIMA.



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Q What did it say?

1 A I do not at the present time have any  
2 exact recollection of the contents of the telegram,  
3 but with regard to the idea proposed by Ribbentrop,  
4 it was said that -- it was regarded as generally  
5 satisfactory if some revisions were made in connection  
6 with that proposal. And the telegram further said  
7 that in connection with this matter, arrangements  
8 should be made for official negotiations through  
9 diplomatic channels and that the Army was notifying  
10 OSHIMA to that effect and that this information was  
11 given to the Ambassador for his reference.  
12

13 THE INTERPRETER: Insert "Military Attache"  
14 before "OSHIMA."

15 Q Were there reservations specified in the  
16 telegram?

17 A My recollection is that in the telegram  
18 that I saw, there were no specifications clearly made.

19 Q Did you discuss that particular telegram  
20 with OSHIMA?

21 A As I have told you before, this telegram  
22 arrived in Berlin some time before my arrival in  
23 Berlin and so I have had no specific, special dis-  
24 cussion with OSHIMA in connection with this particular  
25 telegram.

1           Q   Now, you told us in your affidavit a  
2   great many things that OSHIMA told you. Did he  
3   tell you he discussed this matter with TOGO, the  
4   Ambassador?

5           A   With regard to that, I have no positive  
6   recollection.

7           Q   Did you talk to TOGO about it?

8           A   No, I have had no occasion to talk with  
9   him.

10          Q   Well, now, you were a very important man  
11   in the handling of these transactions and you con-  
12   ducted them all with the Military Attache instead of  
13   the Ambassador. Why was that?

14          A   Well, I arrived at my post in Berlin after  
15   Ambassador TOGO had left his post as Ambassador in  
16   Berlin, and I have had no -- I did not serve under  
17   him, but under OSHIMA as Consular of Embassy.  
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1           Q    You arrived in Berlin November 11, 1938.  
2                How long after that was it that the telegram was  
3                received from Foreign Minister ARITA acknowledging  
4                receipt of the German proposal which had been sent  
5                him by OSHIMA?  
6

7           A    In response to the German proposal trans-  
8                mitted -- the official German proposal transmitted  
9                by Ambassador OSHIMA to the Japanese Foreign  
10               Minister, Foreign Minister ARITA did not send a  
11               telegram saying that the Japanese Government  
12               accepted the proposal. It was shortly after my  
13               arrival in Berlin -- I do not remember the exact  
14               date -- but a telegram arrived from Foreign Minister  
15               ARITA to the effect that the German proposal was  
16               splendid, that the Japanese Government would sub-  
17               mit it to careful study, and that in the near  
18               future the Japanese Government would submit its  
19               views more concretely.

20           Q    And, then, a second telegram was received.  
21                How long was that after the receipt of the first  
22                one?

23           A    Well, with regard to this, too, I do not  
24                have any positive recollection as to date, but I  
25                think it was not long after, around the end of  
                November or early in December.

1 Q Then, from the end of November or the early  
2 part of December, there was no question in your mind,  
3 was there, with regard to the fact that the Japa-  
4 nese Government did not intend to be automatically  
5 bound in participating in war against a country  
6 other than Soviet Russia, is that true?

7 A Nothing definite was known, because at that  
8 time we thought that, as for the Japanese Govern-  
9 ment, only a general treaty was being considered,  
10 and no instructions from the Japanese Government  
11 had been received yet.

12 Q But, early in December, OSHIMA went to  
13 Italy to attempt to sell Mussolini the German  
14 view of the pact, isn't that true?

15 A Well, I cannot testify about your remark  
16 that he went to Italy to sell the German view, but  
17 at that time, that is around the middle of December,  
18 OSHIMA did go to Italy to talk to Mussolini about  
19 this matter.

20 Q And, he went at the insistence of Ribben-  
21 trop, didn't he?

22 A As I have stated in my affidavit, Amba-  
23 sador OSHIMA went to Italy in response to a hope  
24 entertained by Ribbentrop.  
25

ACTING PRESIDENT: We will recess for



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1 fifteen minutes.

2 (Whereupon, at 1445, a recess was  
3 taken until 1500, after which the proceed-  
4 ings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: I have no further questions,  
5 if your Honor please.

6 MR. SHIMANOUCI: May the witness be released  
7 on the usual terms?

8 ACTING PRESIDENT: He may be so released.

9 (Whereupon, the witness was excused.)

10 MR. SHIMANOUCI: We next call the witness  
11 KATASE, Torashiro for the following purpose: 1,  
12 whether or not OSHIMA had any connection with the  
13 Manchurian Incident; 2, the attitude of OSHIMA as  
14 well as his intentions and aims with regard to the ne-  
15 gotiations of 1938 to 1939 on the Japan-German-Italian  
16 treaty; and 3, the extent and nature of OSHIMA's  
17 connections with intelligence vis-a-vis the Soviet  
18 Union, especially the various matters mentioned in  
19 the memorandum on the conversations between OSHIMA  
20 and Himmler in which are mentioned such matters as  
21 a plan to assassinate Stalin.

22 ACTING PRESIDENT: We don't want such an ex-  
23 tended comment.  
24  
25

1 T O R A S H I R O K A W A B E, recalled as a  
2 witness on behalf of the defense, having been  
3 previously sworn, testified through Japanese  
4 interpreters as follows:

5 ACTING PRESIDENT: You are reminded you  
6 are still under your former oath.

7 DIRECT EXAMINATION

8 BY MR. SHIMANOUCI:

9 Q Mr. Witness, please state your name and  
10 address.

11 A My name is KAWABE, Torashiro; my address,  
12 Jindai-mura, Kitatama-gun, Tokyo.

13 MR. SHIMANOUCI: May the witness be shown  
14 defense document 2651?

15 (Whereupon, a document was handed  
16 to the witness.)

17 Q Is that your affidavit?

18 A Yes.

19 Q Are the contents thereof true and correct?

20 A Yes.

21 MR. SHIMANOUCI: I now tender in evidence  
22 defense document 2651.

23 ACTING PRESIDENT: It may be admitted in  
24 evidence.

25 CLERK OF THE COURT: Defense document No.

2651 will receive exhibit No. 3495.

(Whereupon, the document above referred to was marked defense exhibit 3495 and received in evidence.)

MR. SHIMANOUCI: Omitting the formal parts and paragraph numbered 1, I now read exhibit 3495.

"2. I was the Deputy Chief of the General Staff at the time of the termination of the war in the summer of 1945. From April 1929 until January 1932 I was the senior officer in the operational section of the First Division of the general staff with the rank of Lieutenant Colonel. Mr. OSHIMA, Hiroshi was since August 1931 the Chief of the Fortress Section of the First Division of the general staff with the rank of Colonel. The Fortress Section was in charge of internal defense only, and therefore was not connected with offensive operations. Mr. OSHIMA, who was the Chief of the Fortress Section, was also concurrently a Staff Officer of the Naval General Staff. This was because of the custom of that time that the Chief of the Fortress Section should concurrently be the Staff Officer of the Navy, as the defense of the fortress was also connected with the navy.

"3. On 18 September 1931 the Mukden Incident



1 broke out. As OSHIMA was on a post of defensive  
2 nature as mentioned above, he had nothing to do with  
3 the Manchurian Incident with respect to its outbreak,  
4 carrying out, continuance, etc. I do not know either  
5 that OSHIMA played any part in the Manchurian Inci-  
6 dent from his individual standpoint apart from  
7 official duty.

8 "DEPONENT: Kawabe, Torashiro."

9 At this time, if the Court please, I wish  
10 to refer the Tribunal to court record pages 28029  
11 to 28030 and page 28032 with regard to the fact that  
12 over 320,000 persons received decorations in connec-  
13 tion with the Manchurian Incident, and over 2,550,000  
14 persons in connection with the China Incident. I  
15 say this in connection with OSHIMA, who was one of  
16 those receiving such decorations.

17 May the witness be shown defense document  
18 2652?

19 (Whereupon, a document was handed to  
20 the witness.)

21 Q Is that your affidavit?

22 A Yes.

23 Q Are the contents thereof true and correct?

24 A Yes.

25 MR. SHIMANOCHI: I now tender in evidence

1 broke out. As OSHIMA was on a post of defensive  
2 nature as mentioned above, he had nothing to do with  
3 the Manchurian Incident with respect to its outbreak,  
4 carrying out, continuance, etc. I do not know either  
5 that OSHIMA played any part in the Manchurian Inci-  
6 dent from his individual standpoint apart from  
7 official duty.

8 "DEPONENT: Kawabe, Torashiro."

9 At this time, if the Court please, I wish  
10 to refer the Tribunal to court record pages 28029  
11 to 28030 and page 28032 with regard to the fact that  
12 over 320,000 persons received decorations in connec-  
13 tion with the Manchurian Incident, and over 2,550,000  
14 persons in connection with the China Incident. I  
15 say this in connection with OSHIMA, who was one of  
16 those receiving such decorations.

17 May the witness be shown defense document  
18 2652?

19 (Whereupon, a document was handed to  
20 the witness.)

21 Q Is that your affidavit?

22 A Yes.

23 Q Are the contents thereof true and correct?

24 A Yes.

25 MR. SHIMANOUCHI: I now tender in evidence

1 defense document 2652.

2 ACTING PRESIDENT: It may be admitted.

3 CLERK OF THE COURT: Defense document No.  
4 2652 will receive exhibit No. 3496.

5 (Whereupon, the document above  
6 referred to was marked defense exhibit 3496  
7 and received in evidence.)

8 ACTING PRESIDENT: You have on your order  
9 of proof defense document 2652 and 2652 (revised).  
10 We have the copy of the revised one.

11 MR. SHIMANOUCI: I desire to tender the  
12 revised edition only.

13 ACTING PRESIDENT: The witness is being shown  
14 document 2652, as I understand it.

15 MR. SHIMANOUCI: If the witness has been  
16 shown the unrevised version, I now ask that he be  
17 shown the revised version.

18 (Whereupon, a document was handed  
19 to the witness.)

20 Q Is that your affidavit?

21 A Yes.

22 MR. SHIMANOUCI: With the permission of the  
23 Tribunal I wish to withdraw the tender of defense  
24 document 2652 unrevised and tender 2652 revised.

25 ACTING PRESIDENT: It may be admitted.

1 CLERK OF THE COURT: Defense document No. 2652  
2 revised will receive exhibit No. 3496.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit 3496  
5 and received in evidence.)

6 MR. SHIMANOUCI: Omitting the formal parts,  
7 I now read exhibit 3496, beginning with numbered  
8 paragraph 1:

9 "1. I was in Berlin from December 1938  
10 until February 1940 as Military Attache to the  
11 Japanese Embassy, with the rank of Major-General.  
12 Mr. OSHIMA was Ambassador from October 1938 until  
13 October 1939.

14 "2 - 1. In October 1938 I was appointed  
15 Military Attache to the Japanese Embassy in Germany  
16 succeeding Lt. General OSHIMA. Prior to my depart-  
17 ure from Japan I was briefed by various persons at the  
18 General Staff Office in Tokyo on various subjects  
19 concerning my new duties. At that time, I heard ex-  
20 planations as to intelligence and counter-intelligence  
21 activities in Berlin against Soviet Russia from Lt.  
22 Col. USUI, who had been in Berlin, from May 1937 until  
23 January 1938, exclusively in charge of these matters  
24 under Military Attache OSHIMA, and had returned to the  
25 General Staff in Tokyo thereafter. He told me that



1 from his own experience no appreciable results could  
2 be expected from these activities.

3 "2 - 2. After my arrival in Berlin in December  
4 1938 I heard explanations from Col. MANAKI, who succeeded  
5 Lt. Col. USUI and was exclusively in charge of this  
6 work from the summer of 1938 under Military Attache  
7 OSHIMA. Through what I heard from USUI and MANAKI  
8 I learned the following facts:

9 "(a) It was very difficult for us Japanese  
10 to find able Russians in Europe for this purpose;

11 "(b) The Germans were not necessarily in  
12 sympathy with the White Russians or their organiza-  
13 tions with which the Japanese side had been maintain-  
14 ing contact up to that time;

15 "(c) It was particularly difficult for us  
16 Japanese to prepare any Anti-Soviet activities from  
17 Europe as a base, and prospects of useful results in  
18 the future were also slim;

19 "(d) The expense for the Japanese intelli-  
20 gence organs in Berlin amounted to no more than  
21 300,000 yen annually, including personal expenses.  
22 I might add here that as regards counter-intelligence  
23 activities, only study and planning in consideration  
24 of wartime were laid down by the Chief of the General  
25 Staff; however, it was strictly forbidden to put them

1 actually into effect in peacetime.

2 "2 - 3. I, like my predecessor OSHIMA, left  
3 Col. MANAKI entirely in charge of these matters. I  
4 received reports from him, but never transmitted them  
5 to Ambassador OSHIMA. This was because the Ambassador  
6 had no relation whatsoever with this matter within  
7 scope of his official duty. Furthermore Ambassador  
8 OSHIMA, in fact, did not touch upon these matters and  
9 never asked me questions about them.

10 "2 - 4. I met several times with the White  
11 Russians concerned. I found out that they were either  
12 nothing but anti-Soviet ideologists, like Bamand,  
13 who was at that time staying in Switzerland for recu-  
14 peration, or professionals who used to demand money  
15 from us by presenting impractical and fantastic anti-  
16 Soviet plans.

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1 "2 - 5. I knew that Lt. Col. USUI had bought  
2 a house at Falkensee in the suburbs of Berlin, and had  
3 turned it over to Col. HANAKI. I knew also that a few  
4 White Russians were quartered there; they were engaged  
5 in a small-scale printing of anti-Soviet pamphlets, but  
6 I do not know what became of those pamphlets.

7 "2 - 6. I have absolutely never heard from  
8 anyone that OSHIMA or any other Japanese army officers  
9 sent anti-Soviet pamphlets into Soviet territories by  
10 balloons from Poland, or that they bought a motorboat  
11 to bring such papers into the Crimea across the Black  
12 Sea, or that they sent Russians into Soviet Russia for  
13 the purpose of assassinating Stalin. Any such matters  
14 were completely unknown to me.

15 "3 - 1. When I arrived in Berlin as Military  
16 Attache in December 1938, Ambassador OSHIMA was engaged  
17 in negotiations with the German Government regarding a  
18 Japanese-German-Italian treaty. From this time until  
19 the negotiations were terminated, around August 1939, I,  
20 together with the Naval Attache, participated in fre-  
21 quent conferences within the Japanese Embassy and dis-  
22 cussed this matter, Ambassador OSHIMA acting as leader.  
23 During these negotiations, Ambassador OSHIMA always gave  
24 the matter most careful consideration and often called  
25 the Embassy staff, the Military and Naval attaches,

together for consultation and study.

1           "3 - 2. As to the reasons why the Japanese  
2 Government and the central army authorities wished for  
3 the conclusion of this treaty, Ambassador OSHINA often  
4 told us as follows:

5           "At that time the China Incident was un-  
6 expectedly expanding without any prospect of an early  
7 termination, and all eager Japanese efforts for settle-  
8 ment had been of no avail. Moreover, both the Japanese  
9 Government and the army circles felt themselves  
10 threatened by the powerful armament of Soviet Russia.  
11 They wanted, therefore, by concluding this treaty with  
12 Germany and Italy, to improve the diplomatic position  
13 of Japan with the ultimate purpose of bringing the  
14 China Incident to the earliest possible end, and, at  
15 the same time, to be prepared for any attack from  
16 Soviet Russia; I never heard from OSHINA that Japan  
17 intended or desired to utilize this treaty after its  
18 conclusion as a means to initiate or wage aggressive  
19 war against other countries. Neither have I ever heard  
20 from anyone that OSHINA planned or desired anything of  
21 this nature.  
22

23           "3 - 3. In February 1939, Mr. ITO, Nobufumi,  
24 accompanied by an officer from both the Army and the  
25 Navy, arrived in Berlin, bringing the instructions of the



Japanese Government regarding this treaty. I, together  
1 with the higher Embassy staff and the Naval Attache, was  
2 present when Envoy ITO gave the explanations to the  
3 Ambassador. The purport of this instruction was to  
4 limit to Soviet Russia the object of Japanese military  
5 assistance to be given to Germany and Italy on the  
6 basis of the treaty. This was at variance to what  
7 OSHIMA had already communicated to Germany upon instruc-  
8 tions of the government, namely, that although Japan  
9 considered Soviet Russia as the primary object of this  
10 proposed treaty, Britain and France would also be in-  
11 cluded as secondary objects. Facing this situation,  
12 OSHIMA cabled his opinion to Tokyo that, in view of the  
13 progress up to that time, Germany might become dis-  
14 trustful of Japan if he transmitted to Germany the  
15 changed Japanese view as instructed, and, moreover,  
16 would never accept the proposal.

18 "3 - 4. According to exhibit No. 2230,  
19 Ambassador OSHIMA told the German Foreign Minister on  
20 27 May 1939 that 'the War Minister requested OSHIMA by  
21 wire to hold off until later against ARITA in order not  
22 to disturb the discussions among the various quarters  
23 in Tokyo. The Army is firmly resolved to fight the  
24 matter out quickly and even at risk of a cabinet over-  
25 throw.' Concerning this I have the following

KAWABE

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recollection:

"According to my memory, it was about the middle of May 1939, I dispatched a telegram from Berlin to Tokyo stating that Japan must clarify her position as to whether she was going to conclude the treaty with Germany and Italy or not, and that to continue in the ambiguous attitude of that time would only invite the contempt of foreign countries. Thereupon I received from War Minister ITAGAKI a telegram to the effect that: 'The matter of the Japan-Germany-Italy treaty is now under earnest discussion within the cabinet, and, as the atmosphere is turning favorable to its conclusion, we had better remain silent for the time being. I have no thought whatsoever of overthrowing the cabinet.' I told Ambassador OSHIMA of this telegram."

You may cross-examine.

ACTING PRESIDENT: Mr. Tavenner.

CROSS-EXAMINATION

BY MR. TAVENNER:

Q General KAWABE, how many times have you appeared here as a defense witness?

A This is the sixth time.

Q You devote pages two and three of your affidavit, exhibit 3496, to subversive activities directed against the USSR. How well acquainted were you with

KAWABE

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recollection:

1 "According to my memory, it was about the middle  
2 of May 1939, I dispatched a telegram from Berlin to  
3 Tokyo stating that Japan must clarify her position as to  
4 whether she was going to conclude the treaty with Ger-  
5 many and Italy or not, and that to continue in the  
6 ambiguous attitude of that time would only invite the  
7 contempt of foreign countries. Thereupon I received  
8 from War Minister ITAGAKI a telegram to the effect that:  
9 'The matter of the Japan-Germany-Italy treaty is now  
10 under earnest discussion within the cabinet, and, as the  
11 atmosphere is turning favorable to its conclusion, we  
12 had better remain silent for the time being. I have  
13 no thought whatsoever of overthrowing the cabinet.'  
14 I told Ambassador OSHIMA of this telegram."  
15

16 You may cross-examine.

17 ACTING PRESIDENT: Mr. Tavenner.

18 CROSS-EXAMINATION

19 BY MR. TAVENNER:

20 Q General KAWABE, how many times have you ap-  
21 peared here as a defense witness?

22 A This is the sixth time.

23 Q You devote pages two and three of your affi-  
24 davit, exhibit 3496, to subversive activities directed  
25 against the USSR. How well acquainted were you with

1 Heinrich Himmler?

2 A I had heard of Himmler's name, but I have never  
3 had the occasion to see or meet him.

4 Q Were OSHIMA and Heinrich Himmler friendly?

5 A I have never heard of that.

6 Q Do you know of any occasions when they met?

7 A No, not even once.

8 Q Now, in view of your denial of both of those  
9 questions, I will ask you this: Do you recall appearing  
10 in the Meiji Building in Tokyo on the 8th of April 1946,  
11 where you were interrogated by Mr. A. A. Muzzey, with  
12 Lieutenant Commander Huggins acting as interpreter,  
13 at which time the following question was asked:  
14

15 "To the best of your knowledge, how friendly  
16 was General OSHIMA with Heinrich Himmler, and do you  
17 know of any occasions when they met, socially or other-  
18 wise?" to which you replied:

19 "Answer: Yes, they were friendly, and I be-  
20 lieve they met quite often, although perhaps not in an  
21 official capacity. Under ordinary circumstances I be-  
22 lieve they saw a great deal of one another."

23 Did you or did you not make such a statement  
24 in answer to the question?

25 A I do not think -- know whether I replied in  
that manner. If it is so recorded, I must have replied



1 to that effect.

2 Q The rest of your affidavit relates to the  
3 activities of OSHIMA in negotiating with the German  
4 Government regarding the proposed military alliance  
5 between Japan, Germany and Italy.

6 Did you know before your departure for Germany  
7 that OSHIMA was engaged in negotiations for a military  
8 pact?

9 A I know of no fact of OSHIMA working for a  
10 military alliance.  
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1 Q Well, what was OSHIMA working for?

2 A Ambassador OSHIMA left Germany about four  
3 months before I left Germany. For a period of ten  
4 months ending around August 1939, from the time I  
5 went to Berlin and the time OSHIMA left Berlin, he  
6 devoted his efforts mainly to strengthening the Anti-  
7 Comintern Pact.

8 Q Let me ask you -- you are not answering my  
9 question -- did you know before you left Japan that  
10 OSHIMA was working for an alliance in Germany?

11 A Oh, you mean before I left Japan; I under-  
12 stand now.

13 On September 1, 1938, I was suddenly called  
14 to appear at the General Staff Office and was inform-  
15 ally notified that I was to be appointed military  
16 attache in Berlin. I did not leave Japan for my post  
17 until the latter part of October; that is to say, I  
18 was in Japan for about two months after receiving  
19 such a nomination.

20  
21 Q Just a minute. I regret to interrupt you  
22 but you are not addressing your answer at all to my  
23 question. My question is very simple. It is simply  
24 this: did you know before leaving Japan for Germany  
25 that OSHIMA was engaged in negotiating for an alliance  
in Germany? Yes or no is the only appropriate answer.

1           A    Yes.

2           Q    Did the Chief of the Intelligence of the  
3   General Staff advise you that OSHIMA had been named  
4   Ambassador in order to bring about this alliance?  
5   Yes or no is an appropriate answer.

6           A    Yes.

7           Q    Did you have frequent discussions with  
8   OSHIMA regarding the progress of the negotiations  
9   after you arrived in Germany?

10          A    Yes.

11          Q    Was it not the idea of OSHIMA and you to  
12   have a strong pact aimed with Russia and England as  
13   the objectives? Yes or no would be an appropriate  
14   answer.

15          A    It would not be proper to use the word  
16   strong, but we were of the same mind in concluding a  
17   pact of alliance such as suggested by you.

18          Q    That is an alliance directed at Russia and  
19   England?

20          A    Yes.

21          Q    In other words, if Germany became involved  
22   in a war with England, Japan would participate in  
23   that war. That was what you and OSHIMA advocated,  
24   wasn't it?  
25

          A    We had the idea that we must bear the

responsibility -- correction: bear the obligation.

1 Q That is, that you would be obligated to  
2 engage in war under those circumstances?

3 A Yes.

4 Q And Germany had the same view that was  
5 shared by you and OSHIMA, isn't that true?

6 A That is the way I heard of it.

7 Q So that Germany, which meant Hitler and  
8 Ribbentrop, OSHIMA and you saw eye to eye?

9 A At least I was of that opinion.

10 Q Now let me ask you about the Japanese view,  
11 that is, the view of the Japanese Government as  
12 distinguished from yours, OSHIMA's and Ribbentrop's  
13 views. Was it the view of the Japanese Government  
14 that Japan would go to war in case of a German-  
15 Russian conflict but could not promise to enter into  
16 hostilities in case of a conflict between Germany  
17 and Great Britain?  
18

19 A That is the way I viewed it in Berlin.

20 Q How did you become acquainted with this  
21 viewpoint of the Japanese Government?

22 A Explanations to that effect were given at  
23 meetings within the Embassy in Berlin by the ambas-  
24 sador.

25 Q And did you also obtain that information



1 from dispatches from the Japanese Government in  
2 Tokyo?

3 A Yes, I learned from telegrams which came  
4 from the General Staff Office in Tokyo.

5 Q So you knew the attitude of the Japanese  
6 Government and that it was in opposition to the views  
7 of Ribbentrop, didn't you?

8 A Yes, I did.

9 Q Did Ambassadors OSHIMA and SHIRATORI confer  
10 frequently regarding these negotiations?

11 A I recall only two occasions in which these  
12 two ambassadors met personally.

13 Q When were they?

14 A Once when Special Envoy ITO arrived in  
15 Berlin, as I state in my affidavit, and then again  
16 later on another occasion in Berlin, although I do  
17 not recall the date, but my recollection is that this  
18 was sometime quite later.

19 Q Do you recall a conference in Italy between  
20 the two?

21 A Yes, I do.

22 Q When was that?

23 A I have no positive recollection as to the  
24 date but I think it was in early spring in 1939 when  
25 it was still quite cold.

1 Q Were you present?

2 A Yes.

3 Q Who else was present?

4 A Admiral ENDO, Naval Attache, was also  
5 present, and I think a member of the staff of the  
6 Embassy although I do not remember who he was.

7 Q Who else was present?

8 A In addition the Military and Naval Attaches  
9 stationed in Rome.

10 Q Any others? Who represented Germany?

11 A No one was there representing Germany or  
12 Italy.

13 Q What was the purpose of the meeting?

14 A Although I have no positive recollection  
15 as to the contents of the discussion, the two  
16 ambassadors talked with each other directly because  
17 the question had become quite complicated, and my  
18 further recollection is that no conclusion was reached  
19 as a result of the discussion. My recollection is  
20 that it was merely an exchange of views.

21 Q Did they share the same views, that is, the  
22 two ambassadors?

23 A Do you mean in connection with this confer-  
24 ence or through the entire period?

25 Q I will make it definite. Did SHIRATORI and

1 OSHIMA share the same views with regard to the  
2 proposed pact between Germany and Japan, and, I may  
3 add, your views also?

4 A In my present recollection the two ambas-  
5 sadors were generally agreed and I also was in  
6 agreement with them. However, viewing the situation  
7 from the sidelines it appeared as if there was a  
8 difference of opinions between the two ambassadors  
9 with regard to diplomatic technique and procedure,  
10 but with regard to that I have no opinions of my own.

11 Q You are referring to differences in procedure;  
12 you are not referring to differences in fundamental  
13 ideas regarding the pact, are you?

14 A No.

15 Q Was this conference before the ITO commission  
16 arrived or afterwards?

17 A My recollection is that it was after the  
18 arrival of the mission.

19 Q Now, these views that you state existed on  
20 the part of OSHIMA regarding a pact between Germany  
21 and Japan, I would like to ask you if OSHIMA passed  
22 those views on to his government; in other words, did  
23 he urge his views upon his government?

24 A I have no definite recollection whether he  
25 urged the Japanese Government.

Q What was your position at this time?

1 A I personally desired the realization of this  
2 pact and frequently I urged the army circles in Japan  
3 not to dilly-dally and to bring the realization about  
4 as soon as possible.

5 Q I asked you what your position was at this  
6 time. Will you please answer? I meant to say your  
7 station, if that makes a difference, or your official  
8 position.

9 A I was the official Japanese military repre-  
10 sentative stationed in Berlin and my duties included  
11 to convey the views and opinions of the army to the  
12 ambassador, to transmit the views and opinions of  
13 the ambassador to the army in Japan, and also to  
14 report to the army the progress of negotiations.

15 Slight correction: I felt these to be my  
16 duty.

17 Q Then you were not just on the sidelines. You  
18 were right in the middle of this game, weren't you?

19 A No, I had no idea of being right in the midst  
20 of the whole thing because that was not my responsi-  
21 bility.

22 Q You know from the nature of your position and  
23 the duties which you performed that Ambassador OSHIMA  
24 urged his views on the Japanese Government, do you not?  
25



1           A    As and when necessary I think Ambassador  
2 OSHIMA transmitted his views to the Japanese Govern-  
3 ment but I can't say whether he persuaded the Japanese  
4 Government to accept them.

5           Q    Are you referring to his views regarding  
6 this proposed pact between Japan and Germany or are  
7 you speaking in general terms?

8           A    No, the former.

9           Q    Well, to make it absolutely clear, did he  
10 or did he not urge his views upon the Japanese  
11 Government with regard to the advisability of enter-  
12 ing upon this pact? I think you could answer that  
13 yes or no.

14          A    Yes.

15          Q    What other means did he use to bring about  
16 the adoption of this pact?

17          A    I wish to add this remark. I do not remember  
18 the date but Ambassador OSHIMA made a tour of the  
19 important countries in Europe visiting the Japanese  
20 ambassadors stationed in these countries in order to  
21 hear their views and took measures of this nature as  
22 a means of establishing his own views.  
23

24          Q    Explain to us how that occurred; what brought  
25 about that trip.

          If the Tribunal please, I dislike to ask

1 this but I hope the Tribunal will bear with me  
2 a few minutes and permit me to finish this immed-  
3 iate point that I am with, in the event it runs over  
4 a few minutes' time.

5 ACTING PRESIDENT: Very well.

6 Q (Continuing) Proceed.

7 A The impression that I gained was as follows:  
8 I think that the Ambassador undertook this trip in  
9 order to make clear and definite his belief by  
10 meeting these ambassadors, Japanese ambassadors,  
11 in these various European countries that it was  
12 proper to enter into an alliance with Germany in the  
13 light of the prevailing international situation.

14 Q That is, an alliance which would obligate  
15 Japan to participate in a European war if England  
16 became involved in war with Germany?

17 A Yes.

18 Q Give me the names of the ambassadors that  
19 he interviewed on that trip and the countries to  
20 which they were accredited.

21 A London, and if my recollection is correct  
22 the ambassador was Mr. SHIGEMITSU; Ambassador KURUSU  
23 in Belgium. Although I may be mistaken with regard  
24 to the two that I have named, but I am quite certain  
25 that he did make a trip to these two countries.

1 Q What others?

2 A I can't recall.

3 Q Did he take this trip on his own initiative  
4 or was he directed to do so by his government?

5 A I do not recall that.

6 Q When he returned did he tell you that  
7 KURUSU shared his views about this matter and  
8 approved them?

9 A Do you mean KURUSU?

10 Q Yes. I will restate the question.

11 Upon OSHIMA's return, did he tell you that  
12 KURUSU shared his views and approved his views that  
13 we have just been discussing?

14 A In my recollection OSHIMA, following his  
15 trip and his talks with the heads of Japanese missions  
16 in the various European countries, told me that in his  
17 impression most of these heads of missions did not  
18 clearly express their approval and Ambassador KURUSU,  
19 of whom you just inquired, was included among these  
20 heads of missions.

22 Q But nevertheless OSHIMA continued to press  
23 his views for the approval of the pact as originally  
24 planned, is that not true?

25 A I do not interpret OSHIMA's position as being  
that he had pressed these ambassadors for approval.

1 At least I think that OSHIMA at least expressed his  
2 views as frankly as he possibly could and submitted  
3 his own views to examination.

4 MR. TAVENNER: Thank you very much, if your  
5 Honor please. That is as far as I will attempt to  
6 go this afternoon.

7 ACTING PRESIDENT: We will adjourn until  
8 nine-thirty Monday morning.

9 (Whereupon, at 1605, an adjournment  
10 was taken until Monday, 24 November 1947,  
11 at 0930.)

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